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# HOOKER'S ECCLESIASTICAL POLITY

## BOOK VIII

WITH AN INTRODUCTION *(Ap. 147)*  
BY  
RAYMOND AARON HOUK



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TO  
MY FATHER

## PREFACE

The following treatise on the posthumous books of Richard Hooker's *Of the Laws of Ecclesiastical Polity* is largely concerned with the question of the authenticity of the Sixth Book on lay elders, the Seventh Book on bishops, and the Eighth Book on the relations of Church and State. My studies have made for the authenticity of all three books. Whether this result be regarded as a gain or a loss may depend somewhat upon one's point of view. It is said that partisan motives played a decisive part in the seventeenth century in determining questions of authorship and the purity of manuscripts; I may be pardoned, however, if I assert that my conclusions have been attained without prejudice. During the initial stages of my researches I had some idea of gaining credit to myself by demonstrating that a glaring forgery had been committed. I was finally convinced, on the contrary, that there was neither forgery nor interpolation, and that the charges of corruption of the manuscripts were without foundation. Instead of incriminating anyone, I have had the virtuous satisfaction of clearing the guiltless. I fear, nevertheless, that in removing reproach from one name I may be thought to have cast reproach upon others. But the facts must speak for themselves.

A new significance for the *Laws of Ecclesiastical Polity* has emerged from these studies of the authenticity of the last three books. The entire work, completed in 1593, was intimately related to contemporaneous events in England and to the policies of the government of Elizabeth. The Eighth Book in particular constitutes a political document

of 1593. This masterpiece of Elizabethan prose is accordingly seen to have been a brilliant treatise on the true nature of the English State. It might not be amiss to call Hooker's work a utopia. While others were focussing attention on the imperfections of the conduct of ecclesiastical affairs in England, Hooker, from his knowledge of ecclesiastical history, drew fundamental principles, defined the proper functions of Church and State, and showed how the Elizabethan system was adapted both to the political and to the religious genius of the English people. Hooker's idealization of Elizabethan England was, accordingly, a utopia whose attainment in the near future did not seem at all impossible.

The effort to trace the subterranean existence of the manuscript copies of the posthumous books of the *Ecclesiastical Polity* has led me through the last years of Elizabeth, the reigns of James I and Charles I, and well into the reign of Charles II. The contests of James I with his parliaments, the parliamentary victory over Charles I, and the Restoration reaction under Charles II, are not without bearing on the problem of the authenticity of Hooker's books. Izaak Walton, who gathered together the various traditions concerning Hooker's life and works, has demanded considerable attention.

Among those who have aided me in my researches I should like to mention Mr. Roger Howson, Librarian of Columbia University, who has secured various books for my use as well as photostats of the manuscripts of the Eighth Book of the *Ecclesiastical Polity*. Generous facilities also were accorded me by the officials of the Widener Library of Harvard University, the lectures of a member of whose Faculty, Professor Charles Howard McIlwain, were of great benefit to me.

Other libraries on this side of the Atlantic which I have used are the New York Public Library, the libraries of

Union Theological Seminary and General Theological Seminary, and also that of New York University. The Cornell University Library lent me a rare volume, a copy of which, however, I later secured at a London bookshop. In my search for early editions and rare works I visited the Yale University Library, the New Haven Public Library, the Boston Public Library, the Library of the Methodist Seminary in Boston, and the libraries of Andover Seminary and the Episcopal Seminary in Cambridge. All of these made their contribution to my needs.

I wish to express my deep appreciation also of the courtesies rendered me by the librarian and staff of Trinity College, Dublin, where I was permitted to make a complete transcript of their unique manuscript of the Eighth Book. In England I became indebted to the officials of the British Museum, the Lambeth Library, the Society of Genealogists, and the Public Records Office, London; the Library of Canterbury Cathedral and other archives at Canterbury; the Library of Salisbury Cathedral and the Salisbury Public Library; the Library of Exeter Cathedral, the Exeter Public Library, and the Devon and Exeter Institution; the Library of Gonville and Caius College, Cambridge, and the Cambridge University Library; the Bodleian, Queen's College, and the Library of Corpus Christi College, Oxford, which was Hooker's own college and whose librarian showed me special favor.

My visits to the Hooker shrines at Heavitree, Exeter; at Corpus Christi, Oxford; at Drayton Beauchamp; at Boscombe and Salisbury; at the Temple, London; and at Bishopsbourne, were made most delightful by the hospitality shown me everywhere and by the charm of many of the scenes where Hooker once dwelt.

This treatise has been read by Professor Frank Allen Patterson, by Professor William Witherle Lawrence, by



Professor George Philip Krapp, by Professor F. J. Foakes-Jackson, and by Professor Harry Morgan Ayres, to each of whom I am greatly indebted. I should like also to express my appreciation for the many kindnesses shown me by Professor Ashley Horace Thorndike, Chairman of the Department of English and Comparative Literature in Columbia University. But it is to Professor Ayres that I owe the greatest debt of gratitude. It was in his Elizabethan seminar that I began my study of Richard Hooker's writings, and it has been his counsels that have guided my researches throughout. His counsels have been counsels of perfection; whatever excellence of form this treatise may have should accordingly be credited to him. It has indeed been a privilege to pursue my studies in the Graduate School of Columbia University and under such capable and gracious direction.

For the reading of proof my thanks are due to my brother, Edgar Miller Houk, of the Akron, Ohio, High Schools. I take this opportunity also to acknowledge the valuable editorial labors of Miss Elizabeth J. Sherwood of the Columbia University Press.

The accompanying text of the Eighth Book of the *Ecclesiastical Polity* is based on my transcript of the Dublin manuscript.

R. A. H.

COLUMBIA UNIVERSITY

May 1, 1930

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PART I  
AN INTRODUCTION TO THE  
POSTHUMOUS BOOKS  
OF  
RICHARD HOOKER'S  
ECCLESIASTICAL POLITY



## I

### THE QUESTION OF AUTHENTICITY

My acquaintance with the *Ecclesiastical Polity* of Richard Hooker was by way of English literature in which Hooker's work holds an acknowledged place.<sup>1</sup> Hooker's prose has an excellence of its own, a majesty of rhythm, an elevation of tone, and an adequacy of expression. What attracts most, however, in the writings of Richard Hooker is his persuasive appeal to reason and his effort to find common ground on which opposing parties might come together.

The ideas of the *Ecclesiastical Polity* were the most liberal of their day, not liberal in the sense of radical, but in their relation to the best thought of both contemporary and past writers. Richard Hooker was of that race of giants, seemingly now extinct, which maintained an intellectual contact both with the Christian centuries and also with the best periods of Greek antiquity, and thus enjoyed a heritage which the modern world has largely sacrificed in the interest of fresh and direct observation of nature. Hooker consciously held the historical point of view, and employed a method of literary interpretation of the Scriptures which preserved him from the errors into which the more literal-minded men of his own and succeeding centuries fell.<sup>2</sup>

Hooker belongs to no party or province of England, but to

<sup>1</sup> G. P. Krapp, *The Rise of English Literary Prose*, Oxford, 1915, pp. 131-152; F. J. Foakes-Jackson, Vol. III, chap. xviii, pp. 453-474, of *The Cambridge History of English Literature*, Cambridge, England, 1909.

<sup>2</sup> See below, p. 68.

the whole English people. His outlook may be said to have been broad enough to include all the wisdom of human thought, high enough to admit all the divine mystery in religion, and low enough to allow ecclesiastical customs to change with changing conditions. It is only in a limited sense that Hooker may be called a High Churchman, as John Keble confessed in his attempt to claim Hooker for the Oxford Movement in 1836.<sup>3</sup> That Broad Churchmen have found a sympathetic chord in the *Ecclesiastical Polity* may be seen in Matthew Arnold's approval of Hooker in the Preface to *Literature and Dogma*. Nor are Low Churchmen without comfort in the pages of Hooker. His doctrine of the Lord's Supper has been discussed by Ronald Bayne, his most recent editor.<sup>4</sup>

Even members of non-episcopal churches may trace their spiritual ancestry back to Richard Hooker. The eight books of *The Laws of Ecclesiastical Polity* were written avowedly against the Presbyterians of the sixteenth century, but it is admitted that the Presbyterian temper has relaxed and broadened, and now approximates many of the positions of Hooker. The divine right of lay elders is no longer insisted upon, and only an expediency is claimed for them such as Hooker claimed for the bishops of the Elizabethan Church. The bishops of the Methodist churches of the present day possibly come nearest to representing Hooker's idea of the episcopate, inasmuch as they probably exercise as full an authority as the bishops of the Anglican Church, without, however, asserting anything more than a human right and a

<sup>3</sup> Hooker's *Works*, Oxford, 1888, Vol. I, pp. lix-cxvi. This edition will be meant hereafter when reference is made simply to *Works*. Compare L. S. Thornton, *Richard Hooker, a Study of His Theology*, London, 1924.

<sup>4</sup> *The Ecclesiastical Polity: The Fifth Book*, London, 1902, pp. cvii-cxx.

popular election. Such an origin and authority was, in the mind of Hooker, not less than divine.

Hooker had inherited the Calvinistic tradition, but came to assert his independence of the authority of Calvin, and to maintain a position not greatly different from that of the Lutherans of the Augsburg Confession—a position essentially Protestant,<sup>5</sup> repelled by the extremes of Puritanism, but not at all inclined to Romanism. In his recognition of a twofold source of truth—God's book of Nature and the Holy Scriptures—Hooker welcomed knowledge and light wherever discernible. He had a strong regard for law and order, together with an instinct for liberty and an appreciation of the rights of man.

Hooker found freedom and largeness of thought in conservative ways. He was not slow, nevertheless, to adopt new theories of society and government, or to adapt old theories to changed conditions. There is nothing to criticize in the manner in which Hooker utilized the writings of Aristotle, of the Church Fathers, of Thomas Aquinas, and of contemporary political theorists of the sixteenth century, in order to uphold the Church of England as established by Act of Parliament in 1559. He did not find perfection in the government of Elizabeth and of the Anglican bishops, but he saw in them potentialities for good. He was defending not so much the *status quo* as his idealization of Elizabethan England.

The *Ecclesiastical Polity* of Richard Hooker, however, was not transmitted to posterity without a handicap. Four of its eight books were not suffered to be published in 1593 although they had all been completed, but were held back for revision. Hooker's premature death in 1600 left the last

<sup>5</sup> The word "Protestant" is used in this treatise in the sense in which it was first used at the Diet of Spires in 1529 and throughout the sixteenth century.



three books unpublished, and when they finally found their way into print in 1648 and 1662 they were challenged as unauthentic. That there were apparent grounds for such rejection is not to be denied; both the manner of their publication and the state of the manuscript copies tended to discredit them. It may be suspected, nevertheless, that partisan motives played a decisive part in the unfavorable reception the posthumous books met in the seventeenth century. It is this question of the authenticity of the last three books of the *Ecclesiastical Polity* which the present treatise undertakes to discuss. The Eighth Book will receive most of the attention, inasmuch as it has most frequently been the subject of controversy.

Although the First Book of the *Ecclesiastical Polity* has long enjoyed wide recognition as a profound and discriminating treatise on the kinds of law, the nature of society, and forms of government, the fact has not been emphasized that the Eighth Book is an intimate and fearless discussion of the actual government of Elizabeth and of the relations of Church and State in England in the latter half of the sixteenth century. Such a handling of her prerogatives and of her relations to her parliaments suggests a reason why the Eighth Book failed of publication in the lifetime of Queen Elizabeth. The Eighth Book sets forth the theory of a limited and constitutional monarchy with the Crown subject to the law and with the seat of sovereignty resting in the people. Hooker had a conception of England as a united social organism harmoniously directing her own affairs both ecclesiastical and secular.

This conception of the political genius of England was derived from his study of British institutions and the laws of the land. Hooker was Master of the Temple Church, London, for a period of six years. It was during this association with the barristers and law students of the Temple that

the plan of the *Ecclesiastical Polity* matured in Hooker's mind. The whole history of England passed in review before him, the Norman Conquest and feudal institutions, the contests of the barons with the king and the disputes of the kings with the popes, Magna Charta, the statutes of the realm, the acts of Parliament, and especially the Act of Supremacy of Henry VIII<sup>6</sup> and the Acts of Supremacy and Uniformity of Elizabeth.<sup>7</sup> To this mass of material Hooker related the political theory of Aristotle, the digests of Roman law, the canons of the Church, and the contemporaneous political theories derived from the growth of nationalism and the Protestant Reformation. The result was the First and Eighth Books of the *Ecclesiastical Polity*. Hooker might have prevented some misunderstanding had he entitled his work *Of the Laws of Ecclesiastical and Civil Polity*.

The Eighth Book had a large influence on the political ideas of the early seventeenth century parliamentary leader, Sir Edwin Sandys, and of the later John Locke. The importance of Locke's theories is well known.<sup>8</sup> Sandys made a speech in Parliament on May 21, 1614, which should not have been without significance to James I:

He maintained that the origin of every monarchy lay in election; that the people gave its consent to the king's authority upon the express understanding that there were certain reciprocal conditions which neither king nor people might violate with impunity; and that a king who pretended to rule by any other title, such as that of con-

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<sup>6</sup> Act of Supremacy, 26 Henry VIII, c. 1, 1534.

<sup>7</sup> 1 Eliz. c. 1, 1559, An Acte restoring to the crowne thauncyent Jurisdiction over the State Ecclesiasticall and Spirituall, and abolishing all Forreine Power repugnaunt to the same.

1 Eliz. c. 2, 1559, An Acte for the Uniformitie of Common Prayoure and Dyvyne Service in the Churche, and the Administration of the Sacramentes.

<sup>8</sup> See below, p. 67.

quest, might be dethroned whenever there was force sufficient to overthrow him.<sup>9</sup>

This is Hooker's theory of the Social Contract with the right of rebellion clearly phrased. The doctrine is contained both in the First and Eighth Books of the *Ecclesiastical Polity*;<sup>10</sup> it is not denied, however, that Hooker had been less positive in stating the right of rebellion.<sup>11</sup> Sandys was thoroughly familiar with the *Ecclesiastical Polity*.<sup>12</sup> He not only may have aided Hooker in its composition,<sup>13</sup> but he was also the one man in all England most likely to have had a manuscript copy of the Eighth Book.

Through Sandys' connection with the Virginia Company some influence of the *Ecclesiastical Polity* might be traced on American institutions. Pollard has shown Sandys' direct responsibility for the establishment of the first representative assembly in North America, the Virginia House of Burgesses in 1619. Sandys, however, was but seven years younger than Hooker; it is not necessary to give the tutor all the credit for the ideas of the pupil.<sup>14</sup>

Although the Eighth Book of the *Ecclesiastical Polity* has not been without influence on the history of ecclesiastical

<sup>9</sup> Quoted from A. F. Pollard's article on Sandys in the *Dictionary of National Biography*. Compare *Commons' Journals*, Vol. I, p. 493, for the abstract of the original speech which Pollard has paraphrased.

<sup>10</sup> *Works*, Vol. I, chap. x, pp. 239-253.

<sup>11</sup> *Works*, Vol. III, pp. 349-350; but compare Vol. III, p. 459. See below, pp. 175-176, 239-240.

<sup>12</sup> Hooker gives a reference to the *Vindiciae* of Junius Brutus (probably a pseudonym for Hubert Languet) of 1579. Hooker's agreement with Languet was large, but in details and purpose he differed sharply. The *Vindiciae Contra Tyrannos* was translated by William Walker and published in London, 1689 (possibly first in 1648). *Works*, Vol. III, pp. 346-349. See below, pp. 173-174.

<sup>13</sup> See below, pp. 18, 50. <sup>14</sup> See below, p. 18.



and political thought, it has been largely divorced from the name and authority of its author. Critics have repeatedly asserted that Richard Hooker could not have been the father of this work on political science; others, however, have re-asserted that the book is the indubitable work of Hooker. Thus assertion has been met by assertion. It is an aim of this treatise to place the question of authenticity beyond controversy.

The first five of the eight books of the *Laws of Ecclesiastical Polity* were published in Hooker's lifetime and under his personal supervision, but the last three books, published many years after his death, have not that perfection which they would have possessed had Hooker lived to see them through the press. Hooker died in 1600. As early as 1604 it was stated, whether correctly or not, that the manuscripts of the last three books had been mutilated. In 1648 an incomplete and most imperfect manuscript of the Eighth Book was printed. In John Gauden's 1662 edition a continuation was added to the Eighth Book, and Book VII was published for the first time. In 1665 Izaak Walton, supported by several bishops of the Restoration Church,<sup>15</sup> undertook to show that the last three books were of doubtful authenticity; he declared that revised copies of the last three books had been destroyed after Hooker's death and that the copies subsequently made from Hooker's rough drafts had been corrupted for partisan purposes. Walton had accused the Puritans; voices were not lacking in the next two centuries, however, to query whether the alleged suppression and cor-

<sup>15</sup> Walton wrote his life of Hooker at the request of Gilbert Sheldon, Archbishop of Canterbury. Henry King, Bishop of Chichester, wrote Walton a letter to corroborate and supplement the Life. Walton dedicated the Life to George Morley, Bishop of Winchester, under whose roof he had written it.

ruption of the manuscripts might not have been the work of Royalists and Churchmen. Samuel Taylor Coleridge<sup>16</sup> and Henry Hallam<sup>17</sup> were of this number.

Much light has been thrown on the problem by the studies which John Keble published in the Preface which he prefixed to his 1836 edition of Hooker's *Works*. He did not challenge the tales of the destruction and the corruption of the manuscripts, but he printed the more complete Dublin manuscript of the Eighth Book and made collations with three other manuscript copies, which served to show that there really were no important variations in their readings. His own conclusion was that the Seventh and Eighth Books were essentially authentic, but that the Sixth Book was not properly a part of the *Ecclesiastical Polity*. No one seems to have challenged the authenticity of the extant Sixth Book in particular until Keble's discovery that it did not correspond with the book discussed in the Notes of Cranmer and Sandys.<sup>18</sup>

The tradition of the corruption of the manuscripts of the Seventh and Eighth Books was reiterated by Isaac Disraeli<sup>19</sup>

<sup>16</sup> Coleridge thought it probable that "the doubt cast on the authenticity of the latter books by the high church party originated in their dislike of portions of the contents." *Notes on English Divines*, London, 1853, p. 2.

<sup>17</sup> Hallam asks, "Why should we conclude that they were corrupted by the puritans rather than the church?" *Constitutional History of England*, London, 1867, Vol. I, p. 222, note.

<sup>18</sup> See below, p. 71, where Keble's conclusion is controverted in part.

<sup>19</sup> In his *Amenities of Literature* (London, 1868, p. 447) Disraeli followed the Walton-Keble tradition and asserted that the post-humous books had been corrupted, and that "both the great parties are justly entitled to suspect one another; a helping hand was prompt to twist the nose of wax to their favourite shape; and the transcripts had always omissions, and we may add, commissions. Some copies . . . while others . . ." See below, p. 132.



and Sidney Lee,<sup>20</sup> though Sidney Lee agreed with Keble that the two books were roughly authentic.

The Life of Hooker by Izaak Walton, in which the charges of corruption had been elaborated, continues to be published both in editions of Walton's collected *Lives* and also with the *Ecclesiastical Polity*. Keble's Preface, in which he repeats the charges of corruption, has been printed with seven editions of Hooker's *Works*. The last edition, 1888, was revised by R. W. Church and Francis Paget, without, however, any questioning of Walton's and Keble's accounts. Church, in his edition of the First Book of the *Ecclesiastical Polity*,<sup>21</sup> followed Keble in the belief that Books VII and VIII were essentially authentic. Paget, in his *Introduction to the Fifth Book*,<sup>22</sup> makes a like admission. Ronald Bayne, the editor

<sup>20</sup> Sidney Lee in the *Dictionary of National Biography* (article "Richard Hooker") has also followed Walton and Keble: "A critical examination shows that the seventh and eighth books, in their existing shape, are constructed from Hooker's rough notes, and, although imperfect, are pertinent to his scheme." Sidney Lee was in error when he said: "Walton knew of at least half a dozen copies of what claimed to be the last two books of the 'Politie,' most of them pretending 'to be the author's own hand, but much disagreeing, being indeed, altered and diminished as men have thought fittest to make Mr. Hooker's judgment suit with their fancies or give authority to their corrupt designs.'" Sidney Lee seems to have confounded the Seventh with the Eighth Book when he asserted: "The interpolations and alterations which the manuscripts of the seventh book have undergone at the hands of partisans, make it dangerous to infer very much from occasional expressions which tally ill with the general tone of argument."

<sup>21</sup> Church (*Hooker, Book I*, Oxford, 1882, p. xii) said of the Seventh and Eighth Books: "There is no reason to doubt that they are in substance Hooker's; but they have gone through other hands." Elsewhere (p. xvi) he speaks of "fragments, the uncertain or unfinished Books VI to VIII."

<sup>22</sup> Paget speaks in a similar vein (*Introduction to Hooker's Fifth Book*, Oxford, 2d ed., App. VII, p. 325): "The three Books,

of the Fifth Book, also acknowledges such an authenticity for the Seventh and Eighth Books.<sup>23</sup>

The posthumous books, Seven and Eight, have, accordingly, never recovered from the stigma of their origin and the reproach of their publication during the Restoration reaction from the measures of the Commonwealth. At the most they have been accepted as only of "essential" authenticity; that is, their genuineness is not to be questioned except in controverted points. They have been placed with the Apocrypha, but have been excluded from the canon. Bishop Paget, paraphrasing Keble, expresses this view:

- Thus the last three Books, in regard to their character and authority, stand in a position widely different from that of the previous five, which were all published before Hooker's death, and prepared for the press by him: and it may reasonably be brought into question

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then, as they are now extant, may be taken as representing the best that could be made of rough, unfinished, and incomplete papers, believed to be by Hooker, but never printed until he had been long dead and they had passed through other hands."

<sup>23</sup> Bayne (*Ecclesiastical Polity: The Fifth Book*, 1902, p. xxxix) has little to say on the subject: "The treatise thus summarised was apparently in some fashion finished when the first four Books were published in 1594; but Hooker held back the four later Books for further consideration and revision, publishing Book V. in 1597, and dying in 1600 before he could put VI., VII., and VIII. in the hands of the printers. . . . The last three books, as we have them, are not what Hooker had prepared for the press. That final version was almost certainly destroyed." In his Introduction to the *Everymans'* edition (1907, reprinted in 1922) of the first five books of the *Ecclesiastical Polity* Bayne stated: "There can hardly be any doubt that before his death on November 2, 1600, he finished the last three Books, but also there can be little doubt that they were, in their complete state, destroyed. What we now have as the last three books were not printed till nearly the middle of the seventeenth century, and while we may feel confident that they are from Hooker's pen, they are not finished, and do not correspond exactly to what he promised in 1594."

whether they may safely be used as throwing light on his teaching. But the internal evidence, meeting and supplementing the external, seems to make up an ample warrant for so using them; provided that the use does not extend to laying stress on the particular turn of an isolated phrase: since this is what Hooker's final revision might well have led him to alter.

What Paget says, practically, is that the extant posthumous books of the *Ecclesiastical Polity* do not represent what Hooker would have published had he lived to effect their revision. This may be granted, with a possible exception in the case of the Sixth Book.<sup>24</sup> The objection does not affect the fact, however, that the extant books do represent what Hooker had offered for publication in 1593. The authenticity which will be hereafter<sup>25</sup> claimed for the Seventh and Eighth Books of the *Ecclesiastical Polity* is that they represent Hooker's opinions in 1593 and that they had been prepared for the press by him. The issue has but been confused by the assertion that Hooker later proposed to revise them. The books constitute a document of 1593, and as such are authentic.

<sup>24</sup> For the status of the Sixth Book, see below, pp. 70-72.

<sup>25</sup> See below, p. 82.

## II

### A SKETCH OF THE LIFE OF HOOKER

#### HIS BIOGRAPHER

Hooker had what may be thought the good fortune to attract a biographer whose *Lives* have conferred immortality upon their subjects. Izaak Walton, the author also of the *Compleate Angler*, was the happy possessor of a charming style and of an inventiveness which could not be thwarted by any lack of historical documents for biographical materials. When Walton wrote the *Life of Richard Hooker*<sup>1</sup> he was so advanced in age<sup>2</sup> that he may be said to have recalled as it were yesterday the tales he had heard in his childhood. Walton, in short, in 1665 put into literary form the oral traditions of a past generation, with which, he asserts, the living link was a member of the Cranmer family.<sup>3</sup> Thus Walton won credence for his narrative. Walton's formula was, "I have been told about forty years past." It would have been somewhere around the year 1624 that Walton became acquainted with William Cranmer and Mrs. John Spenser, the brother and sister respectively of the George Cranmer who had been so closely associated with Hooker<sup>4</sup> before their death within a few days of each other in

<sup>1</sup> First edition, London, 1665; reprinted with Hooker's *Works*, London, 1666. In the 1666 edition of Hooker's *Works* Walton's *Life of Hooker* occupies pp. 1-26, his Appendix, pp. 27-30.

<sup>2</sup> Walton was born Aug. 9, 1593; died Dec. 15, 1683.

<sup>3</sup> Hooker's *Works*, Oxford, 1888, Vol. I, pp. 4-5.

<sup>4</sup> See below, p. 18.



1600.<sup>5</sup> George Cranmer died, however, in Ireland, and would probably have been ignorant both of the death of Hooker and of what might have happened to Hooker's manuscripts subsequent to his death.

Walton's *Life of Hooker* is a literary masterpiece; its charm is undeniable, and its imaginative pictures have served admirably to round out a biography which otherwise would have been defective because of long periods in Hooker's life unaccounted for. Walton's contributions, however, were the reconstructions of the seventeenth century, and, accordingly, not quite true to the conditions under which Hooker had actually lived. This fact has been recognized by recent biographers of Hooker. The chief objection, however, to Walton's method is that it has confused the issue with regard to the fate of the posthumous books of the *Ecclesiastical Polity*. Walton professed to speak with authority on the subject of the authenticity of the last three books. Whether he was really well informed, and whether he accurately represented the facts, are not idle questions.

It would seem almost indicative of a lack of a sense of humor to attempt seriously to refute Walton's delightful tales. Surely, it might be argued, Walton's method of biographical writing, imaginative though it may have been, may be capable of defence even in this more realistic generation. I propose, nevertheless, to criticize some of the charming pictures by which Izaak Walton has delighted and misled his readers for several centuries. Coleridge has summed up his opinion of one of Walton's accounts with the words,

<sup>5</sup> Hooker died Nov. 2, 1600. The date of Cranmer's death, according to the *Calendars of State Papers for Ireland*, was Nov. 13, 1600; he was born in 1563. He was serving as secretary to Lord Mountjoy when he was killed at Narrow Water where the forces under Tyrone disputed the passage of the English troops.

"In short, it is a blind story, a true Canterbury tale, dear Isaac."<sup>6</sup>

There is no need to challenge Walton's honesty or sincerity; but he should be clearly recognized as a recorder of tradition. He probably simply wrote down what the gossips were saying with regard to Hooker's family life and the fate of the posthumous books. That the gossips were a little malicious may very well be accounted for by remembering that England had just passed through the troubles of the Civil Wars and that the relations of the Anglicans to the Puritans were rather embittered. Walton had no very friendly opinion of Mrs. Hooker; he accused her of Puritan sympathies, and narrated a number of stories concerning her which were neither to her honor nor, in fact, to the honor of Hooker himself. The rehabilitation of the name of Mrs. Hooker will be a by-product of the authentication of the posthumous books of Richard Hooker.

#### HOOKER'S EARLY LIFE

Exeter, in Devonshire, claims the honor of Hooker's birth. No records are extant, however, of the exact date or even of the place, though the parish of St. Michael's, Heavitree, now a suburb of Exeter, is usually credited as having been the residence of Roger and Joan Hooker when their famous son was born into the world. A seventeenth century authority, nevertheless, asserted that Hooker had been born within the city walls of Exeter.<sup>7</sup> The Hooker family had long lived in Exeter: two of Richard's ancestors, John Hooker in 1490 and Robert Hooker in 1529, had been mayors of that city;

<sup>6</sup> *Notes on English Divines*, ed. 1853, p. 2.

<sup>7</sup> "Dr. Vilvain, an Ancient and Learned Physician in Exeter, informs me, that he was born in Southgate street in Exeter."—Gauden's *Life of Hooker*, London, 1662.

and his uncle, John Hooker, who outlived him,<sup>8</sup> was a chamberlain of Exeter and a historian of no small repute.

The station of Hooker's father Roger was not so elevated as that of John Hooker. After various vicissitudes Roger went to Ireland as the agent of Sir Peter Carew in 1568. By some turn of fortune Sir Peter's steward became Dean of Leighlin, and seems to have held that office until his death in 1591.<sup>9</sup> The records in the case have been published rather recently, and include the account of the capture of a number of Englishmen in 1580 in which he is referred to as "Rogerum Hooker decanum Leighlin." Roger Hooker went to Ireland sometime subsequent to May 26, 1568, and he may be located there on August 10, 1569, and also in 1571.<sup>10</sup> His absence in Ireland seems to have left Richard dependent upon the patronage of his uncle and Bishop Jewel for the opportunity of studying at Oxford.<sup>11</sup>

The records of Corpus Christi College, Oxford, supply the data by which it is calculated that Hooker was born about the latter end of March, 1554. It is only a conjecture also that Hooker's early education was received at the Exeter Grammar School, for there are no records extant concerning any event of his life prior to his becoming a "discipulus" or

<sup>8</sup> Born 1524; died Nov. 8, 1601.

<sup>9</sup> "The Father of Richard Hooker" by John Ossory, Bishop (J. H. Bernard), in *The Irish Church Quarterly* (Dublin), Oct. 1913, Vol. VI. pp. 265 ff. I am indebted for this reference and for other bibliographical information to the kindness of R. Burnet Morris, Esq., Uppercross, Teignmouth, Devon, who placed his valuable Devonshire files at my disposal. Compare John Maclean's *John Hooker's "The Life and Times of Sir Peter Carew,"* 1857.

<sup>10</sup> Unless Roger Hooker left his wife in England when he went to Ireland, Walton's story of Richard's visit to his mother and entertainment by Bishop Jewel must be rejected. *Works*, Vol. I, pp. 12-13.

<sup>11</sup> John Jewel, Bishop of Salisbury, died in September, 1571.

Scholar at Corpus Christi on December 24, 1573. The departure of his father for Ireland in 1568 would suggest that year as a likely date for Richard's going up to Oxford.<sup>12</sup>

### HIS OXFORD CAREER

Hooker's talents seem to have received full recognition at Oxford. On July 14, 1579, he was chosen at the request of the Earl of Leicester, Chancellor of the University,<sup>13</sup> to supply the place of Thomas Kingsmill, Fellow of Magdalen College, as the Regius Professor of Hebrew. He read the Hebrew lecture, according to Wood,<sup>14</sup> "for some years" and "with great applause." On the authority of Daniel Featly in 1651 Hooker is said also to have read the "Logicke" lecture in Corpus Christi College.<sup>15</sup>

That Edwin Sandys and George Cranmer, both of distinguished families, should have been entrusted to Hooker's tutelage is indicative of the high regard in which his scholarship and character were held. The friendships thus formed endured to the close of Hooker's life. Both of these younger men had a share in the revision if not the composition of the *Laws of Ecclesiastical Polity*. Cranmer was killed in Ireland in 1600, while the other became the Sir Edwin Sandys of parliamentary fame and of American colonial history.

Oxford bulked very large in Hooker's life, and the friendships he formed there were not without influence upon the formation of his intellectual positions. The John Raynolds who led the Puritan party at the Hampton Court Conference in 1604 had been, according to Walton, Hooker's tutor at

<sup>12</sup> Hooker's *Works*, Vol. I, p. 10, and n. 4.

<sup>13</sup> Fulman, *MSS*, Vol. VIII, p. 183. Corpus Christi College Library, Oxford.

<sup>14</sup> Wood, *University of Oxford*, Oxford, 1796, pp. 849-850, 758.

<sup>15</sup> His life of John Reinolds in *Abel Redivivus*, edited by Thomas Fuller, London, 1651.



Oxford. A remark in the Notes of Cranmer and Sandys upon the Sixth Book of the *Ecclesiastical Polity* is authority for the belief that Hooker intended to submit the Sixth Book to Raynolds for criticism with a view to its revision. Such association with Raynolds would serve to account in large measure for Hooker's understanding of Puritanism and his genuine friendship for some individuals who happened to prefer the Presbyterian to the Episcopalian system of church polity. The Calvinistic tradition was hardly challenged in the Church of England for the first thirty years of its history. When Hooker himself ventured in a sermon at St. Paul's Cross, London, in 1581 to contradict a theological dogma of Calvin, it made such an impression upon his hearers that it was quoted against him after he had become Master of the Temple in 1585. That there were Catholic sympathizers at Oxford as well as Catholic recusants throughout England during the reign of Elizabeth is not to be denied, however.<sup>16</sup> The upholders of the government of the Church of England as established were under the necessity of sharpening their tools both against the agents of Rome and the emissaries of Geneva. Hooker became well informed on Catholic doctrine and polity.

#### DRAYTON BEAUCHAMP

Hooker's first living of which there is record was at St. Mary's at Drayton Beauchamp, Buckinghamshire, to which he had been presented December 9, 1584, and which he resigned on March 17, following, for the mastership of the Temple Church, London. He had, however, been appointed to the Temple on or before February 7, 1585. Hooker's name does not appear in the registers of St. Mary's. The

<sup>16</sup> This fact has been well illustrated by Thomas Fowler in his *History of Corpus Christi College, Oxford*, 1893.

period of his residence there would not have exceeded three months. Nevertheless, Walton wrote:

And in this condition he continued about a year; in which time his two Pupils, *Edwin Sandys*, and *George Cranmer*, were returned from Travel,<sup>17</sup> and took a journey to *Draiton* to see their Tutor; where they found him with a Book in his hand (it was the *Odes* of *Horace*) he being then tending his small allotment of Sheep in a common Field;<sup>18</sup> which he told his Pupils he was forced to do, for that his Servant was then gone home to Dine, and assist his Wife to do some necessary houshold business. When his Servant returned and released him, his two Pupils attended him unto his House, where their best entertainment was his quiet company, which was presently denied them; for, *Richard* was called to rock the Cradle; and the rest of their welcome was so like this, that they staid but till next morning. . . . At their return to *London*, *Edwin Sandys* acquaints his Father, then Bishop of *London*,<sup>19</sup> and after Archbishop of *York*, with his Tutors sad condition, and sollicit for his removal to some Benefice that might give him a more comfortable subsistence.<sup>20</sup>

Walton proceeded then to relate how Bishop Sandys secured Hooker's nomination to the Temple Church.

This account contains several errors, not all of which were corrected in later editions. Walton dated Hooker's removal to the Temple a year too late, and, consequently, made his incumbency at Drayton Beauchamp a year too long. If Walton was correct in his statement that Hooker's appoint-

<sup>17</sup> Walton dated the travels of Cranmer and Sandys at least ten years too early, but in a later edition he omitted the reference to the travels at this place. See below, p. 95. *Works*, Vol. I, p. xxviii, n.2; 17.

<sup>18</sup> Major's 1825 edition of Walton's *Lives* undertook to illustrate this scene. The engraving showed Hooker in knee-breeches, reclining under a tree in full foliage, with a book in his hand and his sheep around him.

<sup>19</sup> Sandys had been Archbishop of York since 1576. John Aylmer was made Bishop of London in 1585. Walton corrected himself in a later edition.

<sup>20</sup> Life of Hooker, *Works*, London, 1666, p. 8.

ment to the Temple came as a result of the visit to him at Drayton Beauchamp of his two friends, Cranmer and Sandys, that visit must have antedated February 7, 1585, when the appointment had already been made. The visit to Drayton Beauchamp, accordingly, was between December 9 and February 7, a period of two months. One might be permitted to wonder whether the climate is such in the Chiltern Hills in December and January as to permit the grazing of sheep in a common field. We are not sufficiently acquainted with conditions in rural England to say whether this constitutes a refutation of Walton's tale or not.

The alleged visit of Cranmer and Sandys to Drayton Beauchamp would have been within two months of the date of Hooker's presentation to the living. The mention of the cradle, assuming that it was Hooker's own, would necessitate a marriage some time previous to his presentation to Drayton Beauchamp. Such an early marriage, however, might have been a reality. Corpus Christi College has no record of the date when Hooker vacated his fellowship there. At the time of his death in 1600 Hooker had four daughters, all unmarried, but neither the record of his marriage nor of the christenings of his children has been found.

Whatever considerations would serve to prolong Hooker's residence at Corpus Christi to the end of 1584 would make against Walton's account of an early marriage. On September 21, 1582, the Mayor and Chamber of Exeter "agreed that Richard Hoker, the sonne of Roger Hoker deceased, and now a Student yn Corporis Christi Colledge yn Oxford shall have the yerely pencion or anuytie of foure poundes . . ."<sup>21</sup> Hooker's uncle John may have been responsible

<sup>21</sup> Quoted from Trewman's *Exeter Flying Post*, May 3, 1849, from which Fowler also quotes it in *History of Corpus Christi College*, 1893, p. 150.



for this action, but the significance of the record is not entirely clear. It is not easy to understand why Hooker may have been thought in need of financial aid in 1582, nor why he should have been called a student, especially since he had been a full Fellow from the year 1579. His father Roger did not die until 1591.<sup>22</sup> This record, however, affords evidence that Hooker was in residence at Corpus Christi on September 21, 1582, or had been recently.

The narrative also of Nicholas Morice, which gives an account of a journey on which Hooker and other Fellows of Corpus Christi accompanied President Cole for the purpose of holding manorial courts, might have a bearing on this question. But the *Dialogus de lustratione Geitonica, qui inscribitur Nuttus* is undated. Fowler is inclined to think that the "progress" took place within the years 1582-1585.<sup>23</sup> Unless, however, it can be more exactly dated, it can not be used to prove that Hooker was in residence at Corpus Christi after 1582.

On December 4, 1584, five days before Hooker's presentation to Drayton Beauchamp, his name was mentioned in a letter of "Geor. Bysshop," a London bookseller, to "Mr. Reynolds of Corpus Christi College in Oxford."<sup>24</sup> In reference to a manuscript which Reynolds had sent to him, Bysshop said: "Mr. Hoker wolde neds have it goe unto my L. of Cant." The context of the letter seems to indicate that Hooker had given this advice to Bysshop some days or weeks previously. Hooker, accordingly, may have been living in London at the time; or he may have been the messenger who brought the "copie" from Oxford to London.

None of these records actually prove that Hooker held his fellowship in Corpus Christi after 1582. A marriage in

<sup>22</sup> See above, p. 17.

<sup>23</sup> Op. cit., pp. 107, 133, n. 1.

<sup>24</sup> Fulman, Vol. IX, p. 214. Hooker's *Works*, Vol. II, p. 1, n. 3.

1583 or 1584 may, therefore, have been possible, even though there is no evidence for it and though the probabilities are against it. Walton's tale of the cradle may have had a justification in fact.

The account of how Hooker wooed and won his wife has also been viewed with suspicion. It has been so often quoted that it need not be repeated here.<sup>25</sup> When Hooker preached his famous sermon at St. Paul's Cross in 1581 he was entertained, according to Walton, in the home of John Churchman, and thereby came to know his future mother-in-law. Walton seems to say that Hooker returned in the following year, which would have been 1582, at the invitation of Mrs. Churchman to marry her daughter Joan. If Walton's tale should be held improbable, it might be suggested as an alternative theory that Hooker's call to the Temple Church in London in March, 1585, may have provided him with the opportunity of becoming acquainted with his future wife, who was probably the sister of a man whom he must have known at Oxford, for William Churchman of London entered Corpus Christi in 1581.<sup>26</sup> Keble's conjecture, however, was that it was through Hooker's instrumentality that William Churchman was entered in Corpus in 1581.<sup>27</sup> One conjecture is as good as another. One would like some confirmation even of Walton's statement that it was in John Churchman's home that Hooker was entertained when he was in London that week-end in 1581. It is unfortunate, also, that Hooker's movements during 1583 and 1584 have not been traced.

Walton had inherited a tradition which credited Mrs. Hooker with Puritan friends and sympathies. What original element of truth there may have been in the tradition

<sup>25</sup> *Works*, ed. 1666, pp. 7-8. See Church, *Book I*, pp. viii-ix.

<sup>26</sup> *Alumni Oxonienses*, Oxford, 1891, Vol. I, p. 277.

<sup>27</sup> *Works*, Vol. I, p. 23, n. 7.

was probably not viewed without distortion when seen through the smoke of the Civil Wars. Joan Churchman of London had derived from some source a most unsavory reputation. Thomas Fuller, in his *Church History* of 1655, did not even know that Hooker had ever had a wife, for he spoke of him as "living and dying a single man."<sup>28</sup> But in his *Worthies of England*, published posthumously in 1662, Fuller corrected his error with what may appear to have been ill grace:

Here I must retract . . . two passages in my *Church History*. For, whereas I reported him to die a Bachilour, he had Wife and Children, though indeed such as were neither to his comfort, when living, nor credit when Dead.<sup>29</sup>

John Gauden, in his 1662 *Life of Hooker*,<sup>30</sup> follows Fuller's *Church History* in the belief that Hooker had neither wife nor child. Walton, however, had Fuller's *Worthies* for his information, and possibly derived from Fuller his ill opinion of Mrs. Hooker.

#### MASTER OF THE TEMPLE

Hooker held the prominent post of Master of the Temple Church, London, from March 17, 1585, to July 17, 1591. The former Master of the Temple, Richard Alvey, had died on May 10, 1584. An assistant, Walter Travers, had been granted to Alvey on November 25, 1580, to relieve him of the duty of preaching which some infirmity had made a burden to him.<sup>31</sup> The office of lecturer or afternoon reader would seem to have been only a temporary device meant to relieve the weakness of Alvey. That this was the intent

<sup>28</sup> *The Church History of Britain*, London, 1868, Book IX, sec. viii, par. 40.

<sup>29</sup> London, 1840, Vol. I, p. 423.

<sup>30</sup> London, 1662, p. 12.

<sup>31</sup> *Middle Temple Records*, London, 1904, Vol. I, p. 239.



appears from the order of February 7, 1585, made by the Inner Temple after the appointment of Hooker to the mastership: "That warning shall be given to Mr. Travers — that this House mindeth no longer to continue the payment of 20 li., which was allowed unto him at the request of Mr. Alveye to supply his weakness."<sup>32</sup> The records of the Inner Temple state also that "Mr. Hooker, now appointed to be Master of the Temple, is either in person to preach or else at his charge to furnish the place with a sufficient preacher." It would appear from these records and the previous history of the mastership of the Temple that no afternoon lecturer was thought normally necessary, and that Hooker was expected to fulfil all the duties of the congregation in person or else to engage an assistant at his own expense.

That Travers continued at the Temple as the afternoon lecturer may, accordingly, be thought to have been effected by Hooker himself. On June 28, 1585, it was ordered that "Mr. Hooker . . . shall have the same allowance . . . as Mr. Alvey, late Master . . ." and that "Mr Travers shall have his man in clerk's commons with the Bencher's men, paying what they do."<sup>33</sup> Whatever arrangement was finally made to provide Travers' salary does not further appear, but it is probable that it was discontinued when he lost his position on March 27, 1586.<sup>34</sup> Temporary relief may thereupon have been offered him, which was renewed on November 4, 1586: "Mr. Travers shall receive his pension and remain in his lodging within the parsonage of the Temple till further notice."<sup>35</sup> During the interval from March to November Travers had been petitioning Lord Burghley and the Council for the restoration of his right to preach.

<sup>32</sup> *Calendar of Inner Temple Records*, London, 1896, pp. lviii, 333.

<sup>33</sup> *Middle Temple Records*, Vol. I, p. 279.

<sup>34</sup> See below, p. 40.

<sup>35</sup> *Middle Temple Records*, p. 287.

From the above it would appear either that Hooker was not master in his own house, or else that he tolerated Travers willingly. The severe measures taken against Travers were not initiated by Hooker himself.<sup>36</sup> In his account of the pulpit debate between Hooker and Travers, Thomas Fuller in the seventeenth century asserted that the two had retained the highest respect for each other.<sup>37</sup> A further reference to this historic debate will be made in the following chapter. There are no records of the Inner or Middle Temple, apparently, to show that any successor was chosen to serve as afternoon lecturer after the departure of Travers.

The Temple Church was not an ordinary parish. The property, occupied by the societies of lawyers and students of the law, the Inner Temple and the Middle Temple, was held by a lease from the Crown. The original Knights Templars had been exempted by a papal bull from episcopal jurisdiction, and this exemption was supposed to have continued.<sup>38</sup> The Master of the Temple took his place without institution or induction on the strength of his letters patent alone.<sup>39</sup>

#### BOSCOMBE AND SALISBURY

In July, 1591, Hooker virtually exchanged places with Nicholas Baldgay who became Master of the Temple Church while Hooker was collated by Archbishop Whitgift to the rectory of Boscombe, Wiltshire, and also to the subdeanery and the prebend of Netheravon in the Salisbury Cathedral.

It was during this incumbency that Hooker completed and published the Preface and the first four books of the *Ecclesiastical Polity*. Whether Hooker, however, actually

<sup>36</sup> *Works*, Vol. III, p. 573.

<sup>37</sup> *Church History*, Book IX, sec. vii, par. 59.

<sup>38</sup> *Works*, Vol. III, p. 574.

<sup>39</sup> T. H. Baylis, *The Temple Church*, London, 1893, p. 46.



spent his time here rather than in London is an open question, for there are no local evidences of his having lived at Boscombe or Salisbury, just as there are none of his three months' incumbency at Drayton Beauchamp.

#### BISHOPSBOURNE IN KENT

There is no doubt, however, of Hooker's having lived at Bishopsbourne. He died on November 2, 1600,<sup>40</sup> and was buried in his Church of St. Mary's on November 4. His will is extant at Canterbury,<sup>41</sup> and his signature appears in the parish registers.<sup>42</sup> There has been a slight mistake, nevertheless, in regard to the exact date of his presentation to the rectory of Bishopsbourne, which has been given, following Walton, as July 7, 1595.<sup>43</sup> The *Calendars of State Papers* preserve a document under date of January 7, 1595:

<sup>40</sup> The registers of the Bishopsbourne Church contain the record of Hooker's burial; William Laud, however, is the authority for the precise day and hour of Hooker's death: "Ricardus Hooker vir summi doctrinae dotibus ornatus, de Ecclesia praecepue Anglicana optime meritis, obiit Novemb. 2, circiter horam secundam postmeridianam, Anno 1600." Hooker's *Works*, Vol. I, p. 90, note.

<sup>41</sup> The District Probate Registry, Canterbury.

<sup>42</sup> Through the courtesy of the Rector of the Bishopsbourne Church I was permitted to see the parish registers wherein Hooker's signature appears several times. Some vandal had cut out one signature bodily from the sheet. These signatures are in a firmer hand than is the nervous death-bed scratch which Hooker appended to his will and which is reproduced in some of the editions of Walton's *Lives*. Hooker's handwriting has survived in the notes he made in the margins of a copy of *A Christian Letter* of 1599 which is in the Library of Corpus Christi College, Oxford; also in the corrections he made in the 1597 printer's copy of the Fifth Book of the *Ecclesiastical Polity*, which is in the Bodleian. *Works*, Vol. I, facsimile, p. cxxiii; Vol. II, facsimile, p. iv.

<sup>43</sup> Gauden had correctly said in his *Life*, Hooker's *Works*, London, 1662, p. 35: "Hence Anno 1594, he was removed to . . . Bishops-

A presentation to the parsonedge of Bisshopsbourne in the diocesse of Cantorbury voyd by the promotion of the said Doctor Redman to the said Bishoprick: for Richard Hooker clerke.

The substitution of July for January probably was an error of transcription. No significance would seem to attach itself to the change of date.

According to the evidence of Hooker's will, dated October 26, 1600, he was survived by his widow and four daughters, Alice, Cecily, Jane, and Margaret. Keble's genealogical table, which was revised in 1841 and which has been published as revised in succeeding editions of Hooker's *Works*, gives the name of the third daughter as Jone, and marries her to Edward Nethersole on March 23, 1601.<sup>44</sup> This is a double mistake, for the name should be Jane, and it was Hooker's widow, Joan, who married Edward Nethersole upon that date.<sup>45</sup> The genealogical table of Keble's first edition of 1836, however, was free from these errors.

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bourn in Kent." According to the chronology in use the new year began on March 25. William Redman was consecrated on January 12, 1595 [1594], to the See of Norwich.

<sup>44</sup> The record of the marriage licence, also, has been wrongly printed as "Judith." *Canterbury Marriage Licences*, First Series, 1568-1618, edited by J. M. Cowper, Canterbury, 1892, p. 299.

<sup>45</sup> See below, p. 107.

### III

## RELIGIOUS MOVEMENTS IN ENGLAND

### FROM LUTHER TO CALVIN

At Hooker's coming of age the reformation of the Church of England was already a thing of the past, yet the Church was not at rest. From the point of view of the continental Presbyterians England had never become entirely Protestant even in her official statements of her religion. In that century of changes there was some fear in Presbyterian quarters lest the Church of England should revert to Rome. The acts of the bishops of the English Church, consequently, were viewed as popish tyranny, and all variations from the doctrine of Calvin were thought concessions to Romanism. Such men as Archbishop Whitgift and Richard Hooker, however, and even Archbishops Bancroft and Laud, disavowed any leanings towards Rome. The Church of England in the sixteenth century held with the Lutheran churches in regarding the Reformation as a purging of the Church from Romish corruptions. The Church of England was a Protestant Church and used the phrase "the holy Catholic Church" to indicate something else than the Church of Rome.<sup>1</sup>

<sup>1</sup> See above, p. 5 and note; also below, p. 70. In order to demonstrate that the continuity of the Church of England was unbroken by the Reformation of the sixteenth century, Matthew Parker, Archbishop of Canterbury, published in 1567 *A Testimonie of Antiquitie*, in which he quoted writings of the age of Ælfrie, which showed that the Protestant doctrine of the Lord's Supper was accepted in the English Church before the Conquest.

In the break with Rome, nevertheless, it remained a disputed question how far Protestantism should go. In 1530 the Lutherans of Germany had stated in the Augsburg Confession the terms and limits of their reformation. Henry VIII had imported what Protestant theory he had from the Continent, and had once seriously considered subscribing to the Augsburg Confession in order to be admitted into the Schmalkald League of the German Lutheran princes.<sup>2</sup> The insistence of the Lutherans, however, that Henry VIII proceed to the reformation of the abuses which the Augsburg Confession denounced, may have deterred him from this step, and his Protestantism remained something less than Lutheranism.<sup>3</sup>

With the death of Martin Luther in 1546 the authority of Calvin prevailed in Protestant circles in England, and upon the death of Calvin in 1564 Theodore Beza succeeded to the Protestant primacy and wore the mantle of Elijah until his death in 1605. Hooker pays tribute to the influence which the strong personalities of Calvin and Beza enjoyed in England throughout the reign of Elizabeth.<sup>4</sup>

Thomas Cranmer, Archbishop of Canterbury, drew his original Protestant inspiration from the Lutherans of Ger-

<sup>2</sup> See H. E. Jacobs, *The Lutheran Movement in England*, Philadelphia, 1890, 1894, chap. iv, for a discussion of "The English Commission to Wittenberg."

<sup>3</sup> Articles xxii-xxviii of the *Augsburg Confession* are "Articles in which are reviewed the Abuses which have been Corrected" in the Lutheran churches of Germany. These seven articles condemn the refusal of the cup to the laity, the enforced celibacy of the priests, private masses for lucre's sake, the enumeration of sins in confession, the substitution of works of satisfaction for faith in Jesus Christ, the irrevocableness of monastic vows, and the employment of the temporal sword by the bishops.

<sup>4</sup> Hooker's Preface, *Works*, Vol. I, p. 127. Also his notes in the margins of his copy of *A Christian Letter*, printed in Bayne's edition of the *Fifth Book*, p. 623, n. 196.



many; he published Luther's Small Catechism in an English translation, and used the Augsburg Confession and Lutheran orders of services as the bases of the English Articles and the Book of Common Prayer. He inclined, however, to the school of Martin Bucer, which sought to mediate between the Lutherans and the Calvinists. Later, he adopted Calvinism outright.<sup>5</sup>

After the reaction during the reign of Queen Mary, England returned again to Protestantism, but Elizabeth and her chief adviser, William Cecil, afterwards Lord Burghley, had conceived a dislike of Presbyterianism and the methods of the more extreme Protestants;<sup>6</sup> they, therefore, committed England to a form of Protestantism which was thought by the Presbyterians to have retained too much of Roman ritual and polity. The continental Presbyterians and many of the English clergy who had sojourned for a time at Frankfurt, Zurich, and Geneva, objected to the retention in the English Church of bishops as well as matters of ritual which had been purged from the polity of Calvin. Calvin's *Institutes*<sup>7</sup> and the discipline of the Presbyterian churches abroad were quoted with effect against the doctrine and polity of the Church of England. In view of the partly Lutheran origin of the Thirty-nine Articles and of the orders of the services of the Anglican Church,<sup>8</sup> appeal might have been made to

<sup>5</sup> See the letter of Traheran to Bullinger of Dec. 31, 1548, quoted by Jacobs, *op. cit.*, p. 217. See also Bayne, *op. cit.*, p. cxvii, and J. F. Smithen, *Continental Protestantism and the English Reformation*, London, 1927.

<sup>6</sup> Strype has printed a state paper attributed to Cecil, 1559, as "The Device for Alteration of Religion, in the first year of Q. Elizabeth." *Annals*, Vol. I, App. p. 4, No. 4, London, 1725.

<sup>7</sup> English translation by Thomas Norton, London, 1561.

<sup>8</sup> Jacobs, *op. cit.*, throws valuable light on the relations of the Anglican Church to the documents and creeds of the Lutheran reformation. See his chap. xvii for the "Lutheran Sources of the Book of Common Prayer." Compare also chap. xxvii.

the Augsburg Confession and Luther's catechisms and to the practice of the Lutheran churches in order to withstand the pressure from the Presbyterians. The leaders in the English Church, however, had long rejected Wittenberg for Geneva, and, accordingly, the defenders of the Church of Richard Hooker forged their weapons in other armories than those provided by the Lutheran churches on the Continent.<sup>9</sup>

The Presbyterian movement in England had from the beginning the more or less unavowed purpose of proceeding to the further reformation of the Church by abolishing the ruling superiority of bishops. This is the simplest possible statement of the Puritan agitation in the Church of England in the sixteenth and seventeenth centuries. In this struggle the Lutherans of the Continent were merely spectators, for they had no strong convictions on the subject of the form of church polity. The Presbyterians, however, held that the Presbyterian form of church government had scriptural authority and that its adoption was the will of God. Thus the Presbyterians urged conscience and obedience to the Word of God as the motive for removing bishops and other so-called "relics of popery" from the Church of England. A not inconsiderable number of the clergy and even of the bishops of the English Church had become Calvinists, and thought that further reformation of the Church of England would be possible of enactment through Convocation and Parliament; but the Queen had decided against further changes, and England affords the spectacle of repeated and vain efforts throughout the reign of Elizabeth to secure reform in religion by parliamentary action. It is not to be denied that the Queen re-

<sup>9</sup> Bayne, *The Fifth Book*, p. cix, has shown that Hooker was consciously and formally not a Lutheran, but that he had caught something of the religious fervor of Luther and not a little of Luther's intellectual faith.

sisted these measures with what were frequently high-handed interferences with the course of parliamentary procedure. It did not always satisfy the opposition, moreover, when the Queen alleged her prerogatives in ecclesiastical affairs which had been granted her in the first year of her reign as the grounds of her authority in resisting innovations in the Church. The original appeal of the Presbyterians to parliamentary action changed in some cases to a rejection of the notion of the right of the civil government to determine questions of religion and church practice.

#### CARTWRIGHT AND TRAVERS

Along with the Presbyterian appeal to Parliament there went a campaign by means of the printed page. England was flooded with Calvinistic literature from the Continent, and numerous digests and models of the Presbyterian system were drawn up for England to adopt. The names of the most prominent of the Presbyterian agitators were Thomas Cartwright and Walter Travers, both of whom lived to the end of Elizabeth's reign.<sup>10</sup> Cartwright is the more widely known of the two and came into prominence at the earlier date. The so-called *Second Admonition to Parliament* of 1572 is associated with his name.<sup>11</sup> Thomas Cartwright is said to have preached a series of sermons in 1565 or 1567 which caused a Puritan revolt at Cambridge. His denunciations from university chair and pulpit of the hierarchy of the English Church became so pronounced after 1569 that complaints were made to Cecil, who thereupon addressed a letter to the Heads of the Houses; and, as a consequence, Cartwright was deprived of his professorship in December, 1570.

<sup>10</sup> Cartwright, 1535-1603; Travers, 1548-1635.

<sup>11</sup> His authorship of the *Second Admonition*, has, however, been denied. See A. F. Scott Pearson, *Thomas Cartwright and Elizabethan Puritanism*, Cambridge, 1925.



He retired to Geneva until 1572. John Field and Thomas Wilcox were the reputed authors of the first *Admonition to the Parliament*, of 1572, and were committed to Newgate for a year's imprisonment because of it.

It was Cartwright also who entered into the controversy with John Whitgift, afterwards the Archbishop of Canterbury, which Hooker resumed in his *Ecclesiastical Polity* of a later date. The following table illustrates the progress of the controversy.

WHITGIFT, *An Answer to An Admonition*, 1572. (Augmented, 1573.)

CARTWRIGHT, *A Replye to Whitgifte*, 1573. ("T. C. lib. i.")

WHITGIFT, *The Defence of the Aunswere*, 1574.

CARTWRIGHT, *The Second Replie*, 1575. ("T. C. lib. ii.")

CARTWRIGHT, *The Rest of the Second Replie*, 1577. ("T. C. lib. iii.")

Whitgift did not answer Cartwright's replies of 1575 and 1577, but other measures had in the meanwhile been taken against Cartwright. In August, 1573, Edwin Sandys, Bishop of London, had written to Cecil, Lord Burghley since 1571, of the dangers of the Puritan movement led by Field, Wilcox, and Cartwright; and in December a warrant was issued by the High Commissioners for the arrest of Cartwright. He thereupon fled to the Continent. He returned to England in 1585; but in spite of his professions of loyalty to the Church of England he was unable to secure a license to preach. In 1586 he became Master of the Leicester Hospital in Warwick, where he was "exempt from the ordinary jurisdiction of the prelates,"<sup>12</sup> and whence his Puritan activities continued. In October, 1590, however, he was arrested and examined by the High Commission. He refused to take the oath *ex officio mero*, and was committed to the Fleet. He was then prosecuted in the Star Chamber for seditious practices; the

<sup>12</sup> Scott Pearson, *op. cit.*, p. 293.



charges fell to the ground, and he was finally released in May, 1592. After a period of comparative silence Cartwright is thought to have uttered one last protest in the anonymous — *Christian Letter* of 1599, which was written against Hooker's first five books of the *Ecclesiastical Polity*.

Hooker, however, had come in the meanwhile into controversy with the other of the two leading Presbyterians, Walter Travers. Travers was the author of several platforms or models of Presbyterianism. The first of Walter Travers' books on the Presbyterian polity was written in Latin and published apparently at Rochelle in 1574, with an address to the reader by Thomas Cartwright, dated February 2.<sup>13</sup> This work was translated as:

*A full and plaine declaration of Ecclesiasticall Discipline owte off the word of God and off the declininge of the church off England from the same. Imprinted. MDLXXIIII.*

A second edition of the English translation was issued in 1580. The two English editions seem to have been printed at Zurich and Geneva respectively. A third edition in 1584 by the Cambridge University Press is said to have been suppressed.<sup>14</sup>

The above work should not be confused with another of similar title of 1584:

*A Briefe and plaine declaration, concerning the desires of all those faithfull Ministers, that have and do seeke for the Discipline and reformation of the Church of Englande: Which may serve for a just Apologie, against the false accusations and slaunders of their adversaries. At London: Printed by Robert Walde-grave. 1584.*

<sup>13</sup> Scott Pearson, op. cit., pp. 112, 137-138, shows that the Latin version was published as early as November, 1574, and argues that the date, February 2, 1574, followed the continental and not the English system of chronology.

<sup>14</sup> Paget, *Introduction to the Fifth Book*, pp. 71-72.

This work is usually referred to as the *Learned Discourse*, from its running title, "A learned discourse, of ecclesiasticall Governement, prooved by the worde of God." The work was anonymous; it is usually, however, attributed to William Fulke.<sup>15</sup>

The Learned Discourse, just mentioned, called forth in 1587 a work of 1400 pages by Dr. John Bridges, entitled, *A Defence of the governement established in the Church of Englande, for Ecclesiasticall matters*. There were two replies to Dr. Bridges' work; one of which was *A Defence of the Godlie Ministers* by Dudley Fenner. The other has been attributed<sup>16</sup> to Walter Travers:

*A Defence of the Ecclesiasticall Discipline ordayned of God to be used in his Church. Against a Replie of Maister Bridges, to a brieft and plain Declaration of it, which was printed Anno 1584.*

This latter work was published in 1588.

Walter Travers, as well as Thomas Cartwright, probably had some share in the composition and perfecting of the book of discipline, *Disciplina Ecclesiae Sacra ex Dei Verbo descripta*, which was published in 1644 in an English version as *A Directory of Church-Government*.<sup>17</sup>

#### THE ENFORCEMENT OF UNIFORMITY

Queen Elizabeth, however, was determined that England should pursue her own course ecclesiastically without interference from the Pope at Rome, Calvin and Beza at Geneva, John Knox of Scotland, or Presbyterian sympathizers in the Church of England. England was to remain Protestant as

<sup>15</sup> See Sutcliffe, *An Answer to a Certaine Libel*, London, 1592, p. 41.

<sup>16</sup> Sutcliffe, *op. cit.*, p. 145, speaks of "Travers in his booke against Bridges."

<sup>17</sup> Scott Pearson, *op. cit.*, pp. 252-257.

defined by Act of Parliament even though the Queen had to deal summarily with her parliaments and to intimidate her bishops. Her harsh treatment of Edmund Grindal evoked an expression of sympathy for the sequestered Archbishop of Canterbury from the young Spenser in the *Shepherd's Calendar* of 1579.<sup>18</sup> The Queen had issued orders for the reformation of "prophesyings;" Archbishop Grindal protested, and was "sequestered" in 1577 for his disobedience. The prophesyings to which the Queen objected were conferences of clergy gathered to discuss questions relating to their ministry; they had largely resolved themselves, however, into occasions of Puritan protest against corruptions in the Church. Elizabeth thought them dangerous to the peace of England. In the *Advertisement touching the Controversies of the Church of England* of 1589, attributed to Francis Bacon, he recalled the prophesyings:

I know, *Prophecyng*, was subject to great Abuse; And would be more abused now, because Heat of Contentions, is encreased: But I say, the only Reason, of the Abuse, was, because, there was admitted to it, a *Popular Auditory*; And it was not contained, within a private Conference, of Ministers:<sup>19</sup>

This is a far cry from a demand for liberty of discussion. Grindal, however, may be thought to have had some regard for the right of free speech and an untrammelled ministry.

But in John Whitgift in 1583 the Queen found a man who was able to carry out her policies with a good conscience and

<sup>18</sup> See below, p. 46.

<sup>19</sup> *Resuscitatio . . . of the Works . . . of . . . Francis Bacon*. By William Rawley, His Lordships . . . Chapleine. London, 1657, p. 174. There is a manuscript copy of the *Advertisement* in 16 folio pages in the Library of Trinity College, Dublin. It was first printed in 1641 as "*A Wise and Moderate Discourse, Concerning Church-Affaires.*"

a strong arm. There was to be no more wavering and unhealthy toleration of Presbyterian dissenters. From the day in which Whitgift became the Archbishop of Canterbury the lot of the Presbyterians in England became unenviable. Whitgift could always count on securing the endorsement of the Queen for his measures, even though he had occasional opposition from Lord Burghley and others in the Queen's Council who frequently showed decided favor to the Puritans. Whitgift's vigorous administration and relentless persecution of dissenters from the Church of England drove the Presbyterians underground with secret presses and secret channels of communication with Presbyterian Scotland.<sup>20</sup> The various local congregations in England which had adopted a Presbyterian form of government were compelled to hold meetings in secret. But this secret defiance of the government was not until after a long open struggle to win recognition and consent for their form of church polity and their manner of worshipping God. There had been repeated efforts in the Temple Church in London to introduce the Presbyterian polity.

#### THE CONTROVERSY IN THE TEMPLE

Reference has already been made to Walter Travers' situation at the Temple.<sup>21</sup> Travers had been the preacher there from 1580 to 1584, when the Master, Richard Alvey, died, and the Archbishop moved for a change in the conduct of the affairs of the Temple Church. Whitgift had no mind to tolerate longer the preaching of Presbyterianism in the houses where half the lawyers of England dwelt at one time or another, and thus to educate a generation of parliamentary

<sup>20</sup> R. G. Usher, *The Presbyterian Movement. The Minute Book of the Dedham Classis. 1582-1589*, London, 1905.

<sup>21</sup> See above, pp. 24-26.



leaders to overthrow the Church of England as established.<sup>22</sup> Upon the death of Alvey, Travers became a candidate for the mastership and had the support of Lord Burghley for the office. Travers was known to be a Presbyterian, and to have gone to Antwerp to secure Presbyterian ordination; yet Burghley had employed him for a time as tutor to his son, Robert Cecil, and had been instrumental in his appointment to the post of assistant to Alvey in 1580, and subsequently managed to have him made Provost of Trinity College, Dublin. Burghley's friendship for Travers was an enduring thing, but Whitgift managed to convince him and the Queen that Travers was no fit man for such a vital place as the Temple Church. Instead of Travers and Dr. Bond whom Whitgift had suggested for the mastership, Hooker was chosen as a compromise. Hooker was known to be favorable to the Church as established.

Had it been the wish of the Queen and her advisers to secure a Master for the Temple Church not likely to antagonize the lawyers, who had already a liking for Presbyterianism and many of whom had Puritan sympathies, the Queen could have made no better appointment than that of Richard Hooker. Hooker had difficulties at the Temple, however, which came as a result of his retaining Travers as the afternoon lecturer. This act of Hooker either shows a superb self-confidence in engaging as an assistant an older man of undoubted popular pulpit gifts, or else it was a misguided act of benevolence in wishing to give employment to a man who had no place else in all England where he might preach the Gospel of Christ. That Hooker kept Travers on of his own free will is indisputable,<sup>23</sup> and that Travers

<sup>22</sup> Compare Fuller, *Church History*, Book IX, sec. vii, par. 60: "What was it but in effect to retain half the lawyers of England to be of counsel against the ecclesiastical government thereof?"

<sup>23</sup> See above, pp. 24-26.

sought promptly to correct Hooker's doctrine and notions of church polity is no less certain.

The debate between Hooker and Travers began within the first month of Hooker's incumbency at the Temple, and continued for a full year; and then was only ended by an order from the Queen.<sup>24</sup> Travers was a good fighter, even if he may be thought rather inconsiderate of the time and the place. He promptly made an appeal to the Council, and scattered broadcast his *Supplication to the Council* in manuscript copies so that the members of the Inner and Middle Temples might not be uninformed of the course of justice. Hooker was compelled, as he says, to answer Travers, and did so in his *Answer to the Supplication*, which served as a public justification of the policy of the Archbishop—a justification in the eyes of the members of the two Temples and all England, which Whitgift could not despise.

It is not my intention to discuss the policy of Whitgift; it will be sufficient here to indicate the important results which came from the controversy of Hooker and Travers in the Temple. The first result was the *Ecclesiastical Polity* in which Hooker undertook to justify at length the Church of England as established by law and as administered by the Queen's Commissioners for Ecclesiastical Causes. The second result was the defining and determining of issues long left unsettled. One such was the question of the ordination of the clergymen of the Church of England. Travers, like many others serving in various parts of England, had not received episcopal ordination, but had been ordained by the presbyters at Antwerp. This fact was used against him as evidence that he was hostile to the Church of England.

<sup>24</sup> This order, to be exact, was from the Court of High Commission, which was the instrument by which the Queen exercised her royal supremacy over the Church. The Archbishop was a principal member of this body which comprised both clergy and laity.

When Travers' candidacy for the mastership of the Temple had been under consideration in the fall of 1584 he was practically offered the post on the condition that he would submit to reordination by a bishop. His refusal to repudiate the validity of his Presbyterian orders was held as proof that he was insubordinate and rebellious against the rule of the bishops of the Church of England. There seems to be no doubt of his insubordination to the rule of the bishops or of his desire to preach in England without coming under their jurisdiction. The Temple Church technically was supposed to be independent of the jurisdiction of the bishops, but it lay at the commandment of the Queen,<sup>25</sup> and Elizabeth was all for order and uniformity in England. It was not that Archbishop Whitgift held so much to the exclusive validity of episcopal ordination—a doctrine which was developed in the Church of England at a somewhat later date—but that he insisted on the obedience of the clergy of England to episcopal rule. With Whitgift it was a matter of insubordination rather than of defective ordination. Travers' deprivation is consequently seen to be the failure of a militant Presbyterian to survive in the Church of England.<sup>26</sup>

Travers seems to have resided in London, not without some sympathy from Martin Marprelate in 1589,<sup>27</sup> until December 5, 1595, when he was sworn in as Provost of Trinity College, Dublin, where he remained until October 10, 1598, when he

<sup>25</sup> See above, p. 26.

<sup>26</sup> This controversy received full attention in the 1655 pages of Thomas Fuller's *Church History* (Book IX, sec. vii, par. 49-63), and again in Walton's 1665 *Life of Hooker* (*Works*, Vol. I, pp. 49-58, 65-66), and in John Strype's 1705 additions to Walton (*Works*, Vol. I, pp. 27-31, 58-65).

<sup>27</sup> *The Epistle*, p. 60, "Let the Templars have Master Travers their preacher restored again unto them. He is now at leisure to work your priesthood a woe, I hope." *The Marprelate Tracts*, edited by William Pierce, London, 1911.



resigned and returned to England. James Ussher, afterwards Archbishop of Armagh, was a student at Trinity College during Travers' term of office, and is said to have come under Travers' influence,<sup>28</sup> and thus to have acquired that strong liking for Calvinism which made him in the seventeenth century an archbishop of Calvinistic doctrine and Presbyterian sympathies.

### THE MARPRELATE TRACTS

Although there were Brownists and Barrowists who denied the right of the State to interfere in congregational worship, and other groups in England which may have had some affinity with the Anabaptists of the Continent earlier in the century, the Marprelate tracts of 1588-1589 were a direct consequence of the effort of the Presbyterians in England to secure the further reformation of the Church of England. A Presbyterian was by definition an orderly citizen, but Martin was a Presbyterian in revolt. It would be a most interesting thing if it should ever develop that the real Martin Marprelate was the Walter Travers who had been silenced in 1586. Martin "Senior" mentioned Travers by name and hinted that Travers' house in London may have harbored Martin's crew and contraband of war:

I will be a pursuivant myself . . . And if I were, I trow, I would watch about Travers' house in Milk Street; who go in and out there; and I would know what they carried under their cloaks too, even any of them all.<sup>29</sup>

But for Walter Travers actually to have composed the tracts of Martin would indicate that his mind had suffered severely

<sup>28</sup> Fuller, *op. cit.*, par. 63. Travers lived until 1635, and published in 1630 *A Justification of the Religion of England*, although he is said to have remained a Puritan until his death.

<sup>29</sup> "*The Just Censure and Reproofe*," p. 376, Pierce, *Marprelate Tracts*, 1911.



from the hardships he had endured. Travers, however, had such influential friends that he would probably have been safe from the heavy hand which was stretched out to seize the libelous Martin.

John Penry is a likelier candidate for the honor of having written the Marprelate tracts, in spite of his denial that he was Martin.<sup>30</sup> Penry had published several works under his own name and had run foul of the censors of the press. Thereupon he or others issued tracts against the bishops from a secret press. The Marprelate tracts are of interest to the student of the history of human thought chiefly as a conspicuous exhibition of defiance of the government's attempt to regulate printing and to censor the press. It was hardly for longer than a year that the secret press poured forth its lively attacks upon the bishops; but it was long enough to cause the bishops much annoyance and to arouse the government to determined efforts to discover the press and to confine the publishers of the tracts. The crime was alleged to be treason to the State. The legislation of 1593 was one of the results of Martin's activity. On the 29th of May, 1593, Penry was executed for treason. The government was not satisfied, however, that the real Martin had been punished; Penry had done enough in his own name, nevertheless, to give the government grounds on which to justify his execution. Penry had fled to Scotland early in 1590 and returned to England in September, 1592. He was arrested on March 22, 1593. He was condemned, not, however, on the authority of 35 Elizabeth, c. 1, but of 23 Elizabeth, c. 2, "Against Seditious Words." Unpublished manuscripts were quoted against him.

<sup>30</sup> Recent writers, however, are inclined to admit that the identity of Martin remains to be discovered. See Scott Pearson, *op. cit.*, pp. 277-289.

## PUBLICATIONS AND LEGISLATION OF 1593

By 1593 there was a lull in the campaign of the Puritans against the conduct of ecclesiastical affairs in England. The pen of John Lyly and possibly of Thomas Nash had been employed against Martin Marprelate, but what the pens of the bishops' champions may have failed to accomplish against the unseen adversary, the secret service agents of the Queen finally effected, and the activities of Martin were paralyzed. — The honor of running Martin to earth goes largely to Richard Bancroft, who later gave an account of the activities and purposes of the Puritans in the two works he published in 1593. The titles of Bancroft's books are themselves most illuminating. The first runs:

*Dangerous Positions and Proceedings, published and practised within this Iland of Brytaine, under pretence of Reformation, and for the Presbiteriall Discipline. London, 1593.*<sup>31</sup>

The second was on a similar subject:

*A survey of the pretended Holy Discipline. Contayning the beginninges, successe, parts, proceedings, authority, and doctrine of it: with some of the manifold, and materiall repugnances, varieties and uncertainties in that behalf. London, 1593.*<sup>32</sup>

In these two books the historian may find source material for the Presbyterian movement in England in the sixteenth century. Repeated references are made to Cartwright and "his vizgerent Travers," the Marprelate tracts, and to the whole literature of the Anglican-Puritan controversies. The information contained in these books of Bancroft was published after the close of the Parliament of 1593, but the directors of parliamentary action would not have been without access to the manuscripts during the course of the

<sup>31</sup> Reprinted, London, 1640.

<sup>32</sup> Reprinted, London, 1663.

debate on the bills for suppressing the activities of the Puritans. Bancroft's *Survey* was entered in the Stationers' Register on March 5, 1593, and is, accordingly, seen to have been preceded by more than a month by Hooker's *Ecclesiastical Polity*, which had been entered on January 29, 1593.

There were other works published in 1593 which dealt with the Puritan activities in England and the measures employed by the government against them. It would seem that the government of Elizabeth encouraged the publication of the books in which its policy was justified. The "proceedings" which Bancroft alleged to be "daungerous" to the peace and safety of England had become dangerous in a high degree to the practicers thereof, and, as a consequence, the Presbyterian movement was checked for a time.

England had become weary of religious controversies. The campaign against Romanism continued with unabated vigor, but it was hoped that there might be peace and accord within the Church of England itself. Bacon's treatise on *Controversies of the Church*, left in manuscript until 1641,<sup>33</sup> might almost have been the work of Hooker himself, for it deprecated controversy, and made a plea for peace with understanding and tolerance. Bacon, as well as Hooker, was not blind to the evils which Martin Marprelate had pointed out with such telling effect; but he felt that the abuses had been used as campaign material in the Puritan-Presbyterian attack on the institution of episcopacy. The method of the reformers, as Hooker so eloquently outlined in his brief against Presbyterianism in the Preface to his *Ecclesiastical Polity*, seems to have been the one which has continued in popularity to the present day, that is, to exaggerate the corruption of the existing institutions and administration in order to secure a new regime. Bacon advised submission to the

<sup>33</sup> See above, p. 37.



law of the land, and professed to fear the disorders which might ensue if the agitations of the Puritans were to continue.<sup>34</sup>

Edmund Spenser seems also by the time of the publication of his *Faerie Queene* in 1590 to have become reconciled to the Queen's conduct of ecclesiastical affairs in England,<sup>35</sup> and to have joined with other Elizabethans in glorifying the fairy Queen. The England of the sixteenth century was an England of sharp contrasts—of poverty and riches, of squalor and plenty; but Spenser chose for the moment to dwell upon the more hopeful aspects of that varied life, and to foresee the eventual victory of the good, the true, and the beautiful, over the corrupt, the distorted, and the unlovely presentation of life. This idealization of Elizabeth's England by Edmund Spenser may not have been quite so true to fact as the more realistic manner of a later time; but its psychological effect and influence upon the manners and morals of his readers may have been all the greater by virtue of his ability to see what was noble in man. Spenser's method of idealization, not without a didactic purpose, will be seen presently to have been employed by Richard Hooker in his elaborate defence of the Church of England as established by law and as administered by the bishops of Elizabeth.

When the Parliament of 1593 met, the Marprelate controversy had long been quieted; there remained, however, a number of Puritans of various degrees of radicalism in the prisons of England awaiting trial. The nature of the offence of many of these victims had not been precisely determined; and the laws which they may have broken were not quite explicit. It seemed necessary, therefore, that some parlia-

<sup>34</sup> See above, p. 37.

<sup>35</sup> Spenser's Puritanism has been discussed by J. J. Higginson, *Spenser's Shepherd's Calender in Relation to Contemporary Affairs*, New York, 1912.



mentary action should be taken which would justify the measures of repression which had been employed against the Puritan dissenters and which would make possible more speedy action against Nonconformists in the future. In order to attain a clear conception of the issues involved, papers were drawn up, probably late in 1592, for the benefit of Lord Burghley and other directors of the policies of England, which classified the Puritans into several groups: the Presbyterians, who desired the reformation of the Church of England after the pattern of Geneva; and the Brownists and Barrowists, who proposed a Congregational system of church polity and who repudiated entirely the use of the temporal sword in ecclesiastical affairs.<sup>36</sup> Robert Browne<sup>37</sup> had written in 1582 *A Treatise of Reformation without Tarrying for Any*. After a troubled career Browne conformed to the ways of the Established Church; Henry Barrow and John Greenwood, however, carried on his work and suffered death for it. In the consequent legislation an effort was made to limit the application of the penalties of the proposed law to the Brownists or Barrowists. In reference to one of the Acts of 1593 Sir Walter Raleigh spoke in the Commons on April 4:

In my conceit the Brownists are worthy to be rooted out of a Commonwealth: But what danger may grow to ourselves if this Law pass, it were fit to be considered. For it is to be feared, that men not guilty will be included in it. And that Law is hard that taketh life and sendeth into banishment, where mens intention shall be judged by a Jury, and they shall be Judges what another means. But that Law that is against a Fact, is but just; and punish the fact as severely as you will. If two or three thousand Brownists meet at

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<sup>36</sup> Strype has preserved a paper, *Annals*, No. 94, which discusses "Two kinds of Schismatics," the first sort, "the late Libeller, Martin," p. 141, and the second sort of Puritans, the Barrowists, p. 143.

<sup>37</sup> 1550-1633.

the Sea, at whose charge shall they be transported, or whither will you send them? I am sorry for it, I am afraid there is near 20,000 of them in England, and when they be gone, who shall maintain their Wives and Children.<sup>38</sup>

The bill, which Raleigh and other members of the Parliament of 1593 feared, was, in its original form, but a revival of 23 Elizabeth, c. 1, so interpreted as to direct its penalties against the Puritan sectaries as well as against the Roman Catholics. The old shell was found to be inadequate for the new purpose; and, accordingly, after several revisions it was passed in an entirely new form. It was directed specifically against the Brownists and Barrowists, and is known as "35 Elizabeth, c. 1, An Acte to retayne the Queenes (Majesties) Subjects in (their due) obedience."<sup>39</sup>

It was the working out of this law, rigidly enforced and renewed in subsequent parliaments, which occasioned the Puritan exodus from England to Holland, and, later, the emigration of some of the first settlers in America. During the latter years of the reign of Elizabeth there seems to have been a cessation of the Puritan controversies. This Act of 1593 apparently made it unsafe to raise a hostile voice against the administration of ecclesiastical affairs in England; and the only recourse that lay open to dissenting Presbyterians and Separatists was to flee the country.

<sup>38</sup> For the Parliament of 1593, see p. 97 and n. 21 below.

<sup>39</sup> The Catholics were provided for in another law, 35 Eliz. c. 2, "An acte against Popishe Recusants."

## IV

### OF THE LAWS OF ECCLESIASTICAL POLITY

The occasion of the writing of the *Ecclesiastical Polity*, as has been indicated above, was the controversy of the government of Elizabeth with the Puritans who sought to introduce the Presbyterian system into England. The contest was brought home very acutely to Hooker by his experience with the Presbyterian Travers in the Temple Church. The summary policy of the Archbishop in dealing with the insubordinate Travers was typical of the manner in which Whitgift treated the Puritans throughout England. Hooker endeavored both to conciliate the Presbyterians and also to justify the measures of the government in suppressing the activities of the dissenters.

Hooker had discovered that the influence of Calvin and Geneva in England was a serious threat to the successful continuance of the policy of the Church of England, and that the issues involved had neither been fully perceived nor completely answered by the theologians and supporters of the Established Church. Whitgift had been in controversy with Thomas Cartwright since 1572, but his episcopal duties had not permitted him leisure to answer Cartwright's "second and third books."<sup>1</sup>

Hooker took up the cause which Whitgift had long borne and brought to it a wider philosophical background and a more persuasive style. In the true Elizabethan manner

<sup>1</sup> *The Epistle*, p. 21, edition of William Pierce: "It is a shame for your Grace, John of Cant. that Cartwright's books have been now a dozen yeares almost, unanswered."

Hooker sought to rise above immediate and temporary controversies and to state eternal principles of laws and societies and of the relations of Church and State, without, however, forgetting the necessities of practical politics.

#### A PRODUCT OF THE LAW SCHOOLS

The full title of Hooker's work of 1593 betrays its legal origin. The *Laws of Ecclesiastical Polity* was a product of the law schools. For six years Hooker had continued to instruct in the Word of God the law students and the lawyers of the Inner and the Middle Temple, and saturated himself in the legal atmosphere of the place. Hooker wrote of John Calvin in the Preface to the *Ecclesiastical Polity*, "His bringing up was in the study of the civil law." Hooker's own knowledge of the civil law came largely after he had become Master of the Temple.

Sir Edwin Sandys, who with George Cranmer had come under Hooker's tutelage at Oxford at an early age, was one of Hooker's Temple parishioners and auditors. A letter of May 22, 1586, of Edwin Sandys, Archbishop of York, to Lord Burghley had stated that he had "a son at Oxford. . . a student in the law. . . now two years." On October 13 of the same year Edwin Sandys, Jr., entered Parliament. He was a member also of the Parliament of 1588-1589. He was admitted into the Temple, where he seems to have resided when in London. Sandys was probably the principal means by which Hooker became informed of parliamentary procedure and the laws of England, which he handles with such skill in the *Ecclesiastical Polity*. That Sandys gave aid to Hooker in his projected revision of the Sixth Book of the *Ecclesiastical Polity* is known with certainty, for the Notes of Sandys and of George Cranmer upon the Sixth Book are extant in their own hands.<sup>2</sup> Cranmer also

<sup>2</sup> See below pp. 70, 94.



resided at the Temple for a time. It would seem more than probable that Sandys aided Hooker materially both in the construction of the argument and in the political theory of the *Ecclesiastical Polity*. In the Parliament of 1593 Sandys was one of the first to speak upon the bill which was introduced against the activities of the Puritans. It was probably from Sandys that Lord Burghley's attention was called to the nature of the contents of Hooker's *Ecclesiastical Polity* which had been entered upon the Stationers' Register six weeks previously. This point will be elaborated at a later place.<sup>3</sup>

In view of the Temple origin of the *Ecclesiastical Polity* it is not surprising that the First Book should have attained in the following centuries such wide recognition as a treatise on the nature of society, the forms of government, and the kinds of law. To the legal lore of the Temple, its digests of Roman law and the statutes of the realm, Hooker contributed the fruits of his study of the Christian Fathers and of Thomas Aquinas' synthesis of the canons of the Church and Aristotle. The First Book has been widely quoted by students of the law; but it has not been so generally known that the Eighth Book of the *Ecclesiastical Polity* is also a legal treatise, though not so much upon law and government in general as upon the more particularized subjects of the laws of England, the prerogatives of the Crown, and the rights of Parliament and people.

The Archbishop of Canterbury had endorsed the *Ecclesiastical Polity* in January, but in March Lord Burghley may have read the treatises of the quondam Master of the Temple with greater care. The First Book, which deals with general theories of law and society and quotes Aristotle frequently, probably passed Burghley's critical eye without much difficulty; but the discussion of the Queen's pre-

<sup>3</sup> See below, pp. 96-99.

rogatives in the Eighth Book was almost *lèse-majesté* without the turning of a page. Burghley and Elizabeth had not encouraged the publication of books which reflected unfavorably upon the administration of regal affairs. Probably not even Machiavelli would have been able to discuss the parliaments of Elizabeth without offense to the Queen. Hooker, however, may be thought to have escaped any further punishment than a possible order to revise his Eighth Book and to omit the offending discussions of the relations of Crown and Parliament. It was the pleasure subsequently of the first of the Stuarts to instruct the public on the prerogatives of the monarch, but Elizabeth preferred less knowledge and more obedience. What success Hooker had or could possibly have had in revising the Eighth Book to the Queen's taste will be discussed in another chapter.<sup>4</sup>

It will be recalled that Martin Marprelate also had undertaken to discuss the governmental affairs of England; Hooker, however, approached the problem from a different point of view. While Martin had pointed out the defects of the administration, Hooker elaborated on its virtues. Hooker's work was, in fact, a utopia, not built in the clouds as were the utopias of some earlier students, but founded on the laws of the land and supported by Acts of Parliament. Hooker undertook to find out what the relations between the Crown and the people or Parliament should be according to the laws of England, and then to justify the prerogatives of the Queen in ecclesiastical affairs on legal grounds. The result was a theory of a constitutional monarchy with a sovereignty derived from the people and a sovereign strictly limited by law. Elizabeth did not take to Hooker's political theories in 1593, but some one should have presented James I with a manuscript copy of it in the first years of the seventeenth century.

<sup>4</sup> See below, pp. 99-104.

Hooker's *Ecclesiastical Polity*, was, consequently, an ideal of parliamentarians whose loyalty to the Queen was undoubted. Although Sir Edwin Sandys became a leader of the parliamentary opposition under James, he stood with Burghley and Whitgift in 1593. It was still possible in 1593, however, to believe in a government in which the Crown and Parliament could work together harmoniously and for the good of the people. It was such a harmony which Hooker portrayed in 1593. And such a harmony was not far from a reality under the strong government of Elizabeth; only in connection with Puritan bills in the House of Commons did serious signs appear of parliamentary dissatisfaction. It was such dissatisfaction among the Puritan leaders that Hooker sought to allay by setting forth the prerogatives of the Queen in ecclesiastical affairs. If Hooker exalted law at the expense of the Crown, his purpose was not so much, possibly, to remind the Queen in a tactful way of the nature of her authority, as to recall the people to their obedience to governors ruling according to law. Hooker was not primarily a lawyer satisfied in setting forth the law, he was a preacher calling upon the people to return to the ways of obedience. Fired with the potentialities of the subject he was discussing, Hooker may have thought he saw the Queen sitting before him among the benchers. Elizabeth probably preferred, however, to hear her preachers upon texts of her own choosing.

#### THE YEAR 1593 AND THE FIRST EDITION

Whether the *Ecclesiastical Polity* was composed by 1592 and published in 1593, or whether it was not known to the public before 1594, are questions at least of academic interest. The year 1593 saw the appearance of a number of significant books. If Hooker's work should be dated 1594 it would seem to place him in a secondary position as a member of a school



rather than as a leader and a pioneer in English political thought. Peter Heylin in 1659 assigned the *Ecclesiastical Polity* to the year 1595,<sup>5</sup> and, accordingly, placed it after the works of Bilson, Cosins, and Bancroft, of 1593. Walton in 1665 gave the date as 1594.<sup>6</sup> The edition itself is undated.

Two records of the year 1593 have survived. On January 29, 1593 [1592], Hooker had entered in the Stationers' Register eight books of the *Ecclesiastical Polity* endorsed by the hand of Archbishop Whitgift.<sup>7</sup> On the 13th of March, following, Hooker sent his work to Lord Burghley for approval. These records prove that the *Ecclesiastical Polity* had been written, seen by the Archbishop, and submitted to the printer by January 29, 1593 [1592]. According to the chronology in use, there remained fourteen months before the year 1594 for the printing and publication of the work.

The controversial and contemporary writings of Job Throkmorton and Matthew Sutcliffe supply new data for determining the date of the first edition of the *Ecclesiastical Polity*. The *Defence of Job Throkmorton, against the slaunders of Maister Sutcliffe*, published in 1594, not only proves that the *Ecclesiastical Polity* was published as early as 1594, but also evoked a reply from Sutcliffe which suggests an earlier date than 1594 for the first edition of Hooker's work. I quote Throkmorton at some length in order to reveal the Puritan reaction to the *Ecclesiastical Polity* upon its first appearance:

<sup>5</sup> *Examen Historicum*, London, 1659.

<sup>6</sup> Walton's year began on March 25.

<sup>7</sup> *A Transcript of the Registers of the Company of Stationers of London, 1554-1640*, edited by Edward Arber, London, 1875-1877. The entry runs: "29 Januarij [1592] John Windet. Entred for his copie. The lawes of ecclesiasticall policie Eight bookes by Richard Hooker vj<sup>d</sup> s Authorised by the lord archbishop of Canterbury his grace vnder his hand."



As may appeare by the late politicke treatise of Maist. *Hookers*, who (though he bee as much distasted with the *Discipline*, and, for anie thing I see, as stronglie bewitched, and everie way as depelie interested in the case of the *Hierarchie*, as Maist *Sutcliff*.) doeth yet in wordes at least (and I hope from his heart) vouchsafe to honor them and beblesse them with manie reverent and brotherlie tearmes, as *Right well affected, and most religiouslie inclined mindes*, and such like.

Then after a reference to "Maister *Sutcliffes* constitution," Throkmorton proceeds:

I would then entreate him, that when hee write againe, he would make either Maister *Hooker*, or some one discreete man of his owne side, his glasse and diall or direction, for the better temperature of his penne.

At a subsequent place Throkmorton adds:

In which regard it is sure to somebody, I trowe, that Maister *Hooker* writes when he so solemnly adviseth & admonished men, *To lay aside the gall of that bitterness wherein their mindes have hitherto ever abounded, and with meekenesse to seeke the trueth*, etc. Yea and it seemeth by the whole course of his booke, that there is no man in the world (if we may beleve him) more out of love with an envenomed penne, which is the diserier of the poison of the heart, than he.<sup>8</sup>

Throkmorton, whom Sutcliffe would identify as Martin Marprelate, is quoting here from Hooker's Preface to the first four books, and applies the words as a rebuke to Sutcliffe.

Sutcliffe replied in 1595 with *An Answere unto a Certaine Calumnious letter published by M. Job Throkmorton*, and asserted in reference to Hooker's advice:

*M. Hooker* meant the authors of the *Admonition*, T. Cartwright, Penry, and such like . . . me he could not meane, for at that time my *Answere* to the *Petition* wherein this bitterness is pretended to bee, was not published.<sup>9</sup>

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<sup>8</sup> Pages 12 A and 12 B. Photostats, Harvard University Library.

<sup>9</sup> Pages 52 A, 54 B, 55 B, 56 A. See also Sutcliffe's "To the Reader." Photostats, Harvard University Library. Published, Lon-

Sutcliffe's *Answer to the Petition* was published in 1592 as *An Answere to a Certaine Libel Supplicatorie*. It bears a dedicatory epistle dated December 20, 1592. It might, however, have been printed as late as the following 25th of March.

This dates the composition of the Preface to the first four books of the *Ecclesiastical Polity* before March 25, 1593. It does not, however, date the actual publication of the Preface. It would seem, nevertheless, either that Sutcliffe had special information concerning the time of the penning of the Preface or that he based his opinion upon the date of its publication. If, moreover, the publication of the Preface had been delayed until 1594, Sutcliffe could hardly have had assurance that the Preface might not have been revised after its composition in order to take account of his *Answer to the Petition*. And had the Preface with the first four books been printed in 1593 and withheld from general circulation until 1594, it would still be proper to date the first edition as of 1593, and to hold that the printed edition as well as the manuscript copies would have been accessible to Hooker's friends and to the leaders in Church and State in 1593. Such undoubted circulation of the *Ecclesiastical Polity*, limited though it may have been, should be sufficient to date the publication of the work as of 1593, even though the wayfarer in the streets of London had not yet seen a copy in the book-stalls.

This is probably the first time that Sutcliffe's testimony has been brought forward to determine the date of the first edition of the *Ecclesiastical Polity*; there is, however, another

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don, 1595. There are copies also in Yale University and the McAlpin collection of Union Theological Seminary in the City of New York. See *Catalogue of the McAlpin Collection of British History and Philosophy*, compiled and edited by Charles Ripley Gillett, 5 vols., New York, 1927-1930.

record which has perhaps been too hastily brushed aside as of no importance. In Andrew Maunsell's *Catalogue*, printed by John Windet in 1595, is the following entry:

Richard Hooker, of the Lawes of Ecclesiastical Politie, written in defence of the present government established, against the new-desired discipline. Printed by John Windet, 1593, in folio.<sup>10</sup>

The date, 1593, would have been after March 25, following January 29, 1593 [1592], when the work was entered.

The printer of Maunsell's *Catalogue* was the same John Windet who printed the first four books of the *Ecclesiastical Polity*. Maunsell in this *Catalogue* of 1595 said that John Windet had printed Hooker's *Ecclesiastical Polity* in 1593. It would seem at least possible that Windet, or an assistant, while printing this *Catalogue* would have noticed the reference to the *Ecclesiastical Polity* and the date assigned by Maunsell for its printing. The date of 1593 thus receives a double authentication, that of Maunsell and of John Windet. This contemporaneous evidence should clearly outweigh a tradition dating only from the seventeenth century. Maunsell's entry was not a mere copy of the Stationers' Register, for the description which he gives of Hooker's work betrays an acquaintance with the *Ecclesiastical Polity* itself or other source of information more specific than the Stationers' Register. Maunsell's record, therefore, should be regarded as a witness independent of the Stationers' Register, and should definitely establish the date of publication as 1593.

For a time I was misled by the notion that Hooker revised his Preface and possibly the first four books after January 29, 1593 [1592]. Keble had pointed out in his footnotes

<sup>10</sup> Maunsell, *Catalogue of English printed books*, London, 1595; Part I, p. 59, quoted by *Notes and Queries*, Second Series, Vol. XI, p. 46. Compare *Works*, Vol. I, p. xv, n. 2.

certain analogies<sup>11</sup> between Hooker's Preface and Bancroft's *Survey*, which latter was entered on March 5, 1593 [1592]. This seemed to indicate that Hooker's Preface shows the influence of and indebtedness to Bancroft's *Survey*. I have, however, compared the two, and attribute whatever similarity there may be between them to the use of the same historical materials and the possible suggestions of Archbishop Whitgift, under whose direction both works may be supposed to have been undertaken. The *Survey* is a long and detailed treatment of the history of which the Preface gives but a short popular account. A comparison of the two reveals nothing more significant than the great superiority of Hooker's style.

Neither Bancroft's books of 1593, accordingly, nor those of Bilson and Cosins were used as source material for Hooker's *Ecclesiastical Polity*. Hooker's references to the Puritan controversies, the Marprelate tracts, and the measures of the government against the Nonconformists had been drawn from original sources. It is, indeed, probable that the mass of information supplied in the books of Bancroft, Bilson, and Cosins made Hooker's work in a certain sense obsolete well-nigh before it had been published. What Hooker's work, however, may consequently lack in historic details it gains in universality and originality.

The whole tenor of this argument makes for 1593 as the date of the publication of the first four books. It should be remembered also that the date 1594 is simply traditional and supported by no contemporary documentary evidence. The editors of 1888 probably felt this, for they note in reference to Keble's assertion, "For the first edition bears date 1594," that "the title-page is without any date in the Bodleian and

<sup>11</sup> Hooker's *Works*, Vol. I, pp. 127, 135, 146, 150, 152, 174. R. G. Usher, *Reconstruction of the English Church*, New York, 1910, Vol. I, p. 73, seems also to have been led astray by Keble's notes.



other copies. . . 1594. . . this date is sometimes inserted in contemporary handwriting."<sup>12</sup> This leaves Walton as the only authority on record for 1594: "His first four Books and large Epistle have been declared to be printed at his being at Boscum, anno 1594. . . and these were entered. . . but not published till the year 1594. . . his first four were printed anno 1594."<sup>13</sup> It all amounts to no more than a threefold iteration.<sup>14</sup>

Even Walton, as Keble notes,<sup>15</sup> betrayed uncertainty, for in a later edition he substituted "not published till the year 1594" for his original "not printed." Maunsell's date of 1593 would have allowed at least two months after January 29, 1593 [1592], for the printing.<sup>16</sup> Something happened, apparently, which caused the Fifth, Sixth, Seventh, and Eighth Books to be held back, while the first four were issued alone. How much delay was thus imposed on the first four books it is impossible to determine, but it apparently did not outlast the year 1593.<sup>17</sup> The Fifth Book was published in 1597. In 1648, forty-eight years after Hooker's death, an incomplete Sixth Book was published. Book VII was published in 1662. Book VIII was published in parts: 1648, 1661, 1662, and 1836.

#### THE PREFACE TO THE ECCLESIASTICAL POLITY

In his Preface to the *Ecclesiastical Polity* Hooker has a style more direct, colloquial, and popular than in the first four books. Prose, in the hands of Hooker, was a varied instru-

<sup>12</sup> *Works*, Vol. I, p. xiv.

<sup>13</sup> *Ibid.*, pp. 68-70, 91.

<sup>14</sup> Heylin, however, had given a similarly late date, i.e., 1595. See above, p. 54.

<sup>15</sup> *Works*, Vol. I, p. 69.

<sup>16</sup> Walton's date of 1594 would have been subsequent to March 25, 1594.

<sup>17</sup> See below, pp. 96-99.

ment of which he was complete master. In the notes which he wrote on the margins of the *Christian Letter* of 1599 his style is still more direct and his humor even more incisive. The themes of the first four books of the *Ecclesiastical Polity*, however, in his judgment merited a more formal style. The Preface was written on a lower plane and in a more everyday manner.

The Preface affords a historical background upon which to understand the *Ecclesiastical Polity*; it makes direct reference to contemporaneous affairs. The Preface consists of nine chapters, of which the last two were added after the Preface had been originally completed with the seventh chapter. In the first six chapters Hooker explained how the Calvinistic discipline had been first planted at Geneva and what efforts had been made to introduce it into England, and concluded with an exhortation to orderly measures and obedience to authority. The seventh chapter gave a summary of the contents of the eight books of the *Ecclesiastical Polity*. The eighth and ninth chapters, which may be thought to have been added subsequently and were unless the order of the chapters was altered, contain a discussion of the dangers of the Puritan movement as illustrated by the Barrowists. After completing his account of the changes which would follow if the program of the Barrowists were carried out, he traced at length the Anabaptist movement on the Continent in the first half of the sixteenth century, showed that the Puritans of England were on a like dangerous path, and concluded again with an exhortation to concord and peace. A second summary of the eight books to follow was then added.

Hooker's information concerning the Anabaptists was derived from a work published in 1565 by Guy de Brés, *Contre l'erreur des Anabaptistes*.<sup>18</sup> Hooker's use of this

<sup>18</sup> For the full title see Hooker's *Works*, Vol. I, pp. 182-190, 183, n. 1.

Anabaptist material was no accident confined to the Preface alone. He refers to the Anabaptists also in the Third, Fifth, Seventh, and Eighth Books. For the philosophical depth of the *Ecclesiastical Polity* Hooker was therefore probably indebted to the somewhat Anabaptist conduct of Robert Browne and Robert Harrison, of Henry Barrow and John Greenwood, and of the more fanatical Hacket and Coppinger, who provided him with object lessons from which he drew his vivid conception of the extremes of which the Puritan temper was capable. The Anabaptists' repudiation of all civil authority and all secular wisdom as of the evil world which they had renounced for the Gospel of Christ and the rule of the Spirit was the thing which made Hooker content to submit to the restraints of society, to enjoy the treasures of antiquity, and to profit by the experiences of the past.

It would be possible to show how each of the eight books of the *Ecclesiastical Polity* had been composed against the Anabaptist background. Inasmuch, however, as Hooker did not completely identify the Puritans of his time with the Anabaptists, the following analysis is offered merely as suggestive. In Book I Hooker asserted the need of civil laws and the temporal sword of "the secular Babylon" against the Spirit-led Anabaptists. In Book II Hooker combatted the Anabaptists' rejection of all laws except the Gospel of Christ and the Scriptures.<sup>19</sup> In Book III and Book VI Hooker explained how "the Gospel of Christ" had been interpreted by some to mean the discipline of Calvin and Geneva, which was held to be scriptural and eternally necessary.<sup>20</sup> In Books IV and V Hooker defended the Church of England, her laws and ceremonies, her ministers and sacraments, against the charge of being unreformed, popish,

<sup>19</sup> See below, p. 68.

<sup>20</sup> See below, p. 69.

and pagan.<sup>21</sup> In Book VII the bishops of the Church of England were defended by Hooker against the charge of the Anabaptists that the temporal sword of the bishops savored of the world.<sup>22</sup> In the Eighth Book Hooker met the charge of the Anabaptists that the Crown's supremacy over the laws, courts, and officers of the Church of England was an intrusion of the secular Babylon into the affairs of the spiritual Church.<sup>23</sup> Such a background gives unity and significance to the *Ecclesiastical Polity*. Hooker's profundity consisted in his reassertion of the validity of temporal and secular societies and of human and physical needs against the Anabaptists' retreat into a spiritual world and their repudiation of human societies and physical nature.

It matters little for the present purpose of interpreting the thought of the *Ecclesiastical Polity* whether Guy de Brés and Hooker were entirely fair to the Anabaptists, or whether a definite characterization of the Anabaptists of various times and places be attainable, or whether the Puritans of Hooker's own day were all poured into the same mold. The question, however, is not without interest to the student of religious thought. The similarity of names is a reminder of the fact that several of the historic positions of the Baptist Church were identical with those of the Anabaptists of the early sixteenth century. But the Quakers and Mennonites may have still more in common with the Anabaptists.

With the Anabaptists the break with the immediate past was complete; there was no retention of Catholic doctrine, ritual, and polity. Canon law and bishops alike were discarded. Hooker has mentioned the austerity and asceticism of the Anabaptists, their attitude towards infant baptism, and their manner of handling Scripture, as well as their com-

<sup>21</sup> See below, pp. 69-70.

<sup>22</sup> See below, pp. 73-79.

<sup>23</sup> See below, pp. 79-81.



munity of goods and their abjuration of war. Their rejection of the authority of the civil magistrate carried with it a rejection also of the temporal sword. They retained, however, the sword of excommunication and the authority of Scripture. Their manner of applying Scripture to all the concerns of life, to be partially illustrated by John Bunyan in the seventeenth century, did not seem to Hooker to make either for reverence towards God or for normal human living; he preferred the matured wisdom of the Church to Anabaptist glosses on Scripture. The following quotation occurs both in the Third and Eighth Books of the *Ecclesiastical Polity*:

It is a loose and licentious opinion, which the Anabaptists have embraced, holding that a Christian man's liberty is lost, and the soul which Christ hath redeemed unto himself injuriously drawn into servitude under the yoke of human power, if any law be now imposed besides the Gospel of (Jesus) Christ, in obedience whereunto the Spirit of God and not the constraint of man is to lead us, according to that of the blessed Apostle, "Such as are led by the Spirit of God, they are the sons of God," and not such as live in thralldom unto men. Their judgment is therefore that the Church of Christ should admit no law-makers but the evangelists, (no courts but presbyteries, no punishments but ecclesiastical censures.)<sup>24</sup>

The words between parentheses are only in the Eighth Book. Hooker continues in the Eighth Book:

As against this sort, we are to maintain the use of human laws, and the continual necessity of making them from time to time, as long as this present world doth last: so likewise . . . against another sort . . .

Hooker attempts to distinguish between the various kinds of Puritans and Presbyterians. In the Seventh Book he said:

<sup>24</sup> *Works*, Vol. I, p. 383; Vol. III, p. 456. Compare Vol. III, p. 252. See below, pp. 235-236.

Tell the Anabaptist, which holdeth the use of the sword unlawful for a Christian man, that God himself did allow his people to make wars . . . Tell the Barrowist what sway David and others the kings of Israel did bear in the ordering of spiritual affairs. . . . Tell the Martinist of the high priest's great authority and jurisdiction amongst the Jews. . . .<sup>25</sup>

Here the "Martinist," in his rejection of bishops, may be held to represent the Presbyterian; the "Barrowist," in his repudiation of civil control over church affairs, is followed by the Congregationalists and others; and the "Anabaptist," in his outlawing of war, represents the Quakers, the Mennonites, and certain other groups of pacifists.

Inasmuch as the program of the Anabaptists affected not only their religious life but also their relations to the civil government, it became a question early in 1522 whether it was sufficient to answer them with the Word of God alone or whether the force of arms might not be required to keep them in obedience. Hooker speaks of the "merciful toleration" shown the Anabaptists by the Elector Frederick upon the advice of Martin Luther, "by means of which they gathered strength, much more than was safe for the state of the commonwealth wherein they lived."<sup>26</sup> Both Hooker and Luther believed in the separation of Church and State and in

<sup>25</sup> *Works*, Vol. III, p. 171.

<sup>26</sup> Hooker's Preface, *Works*, Vol. I, p. 187, "Luther made request unto Frederick duke of Saxony, that within his dominion they might be favourably dealt with and spared, for that (their error excepted) they seemed otherwise right good men." Hooker cites as his authority Guy de Brés, *Contre l'erreur des Anabaptistes*," p. 6, whose words referred specifically to Thomas Münzer, an early leader of the Anabaptists: "Frederic prince de Saxe l'enduroit, mesme à la requeste de Luther." See above, p. 60. Compare *The Life and Letters of Martin Luther*, by Preserved Smith, Boston and New York, 1911, pp. 137-150.

the distinction between ecclesiastical and civil affairs,<sup>27</sup> but both maintained the duty of the State to employ the temporal sword against all whose doctrines and activities threatened the welfare of society or the foundations of the State.

The Anabaptist fiasco at Münster, culminating in the "New Jerusalem" with John of Leyden as king, Knipperdoling as viceroy, and Rothmann as court preacher, and abruptly terminated by the fall of the city in 1535 to the besieging bishop, Franz of Waldeck, made Anabaptism a byword in Europe. Calvin also condemned the Anabaptists; and the states of Europe hunted them down as traitors to all constituted government. The Puritans in England were compared with the Anabaptists; treatises were published to demonstrate their similarity. Robert Some in 1580 wrote *A Godly Treatise*, in which he spoke of the "execrable fancies" of "Henry Barrow and John Greenwood . . . and others of the Anabaptistical order." George Gifford in 1590 wrote *A Short Treatise* on the "Donatists, whom we call Brownists." A writer of 1605, who was not unacquainted with Hooker's *Ecclesiastical Polity*, stated categorically what Hooker had merely suggested. It will suffice to give the title:

The Picture of a Puritane: or a Relation of the opinions, qualities, and practises of the Anabaptists in Germanie, and of the Puritanes in England. Wherein is firmly proved, that the Puritanes doe resemble the Anabaptists, in above fourescore severall thinges. By Oliver Ormerod, of Emmanuel Colledge in Cambridge. Whereunto is annexed a short treatise, entituled, Puritano-papismus: or discoverie of Puritan-Papism. London, 1605.

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<sup>27</sup> Hooker's conception of one Society having both ecclesiastical and civil functions was a recognition of the fact that, though the Church as a spiritual body was independent of the State, the Church on its social and economic side was subject to the laws of the State.

This fear of the Anabaptist in the Puritan will serve to explain the prompt action of the government against the activities of Martin Marprelate in 1588-1589, and the severe legislation of 1593. Hooker did not forget, however, that his primary purpose was the discussion of Presbyterianism rather than the more radical Brownism. The books of the *Ecclesiastical Polity* will be found to be less fired with emotion than was the Preface.



## V

### THE BOOKS OF THE ECCLESIASTICAL POLITY

The following discussions of the eight books of the *Ecclesiastical Polity* are not offered as complete analyses of the books; only those points are mentioned which have some significance for the question of the authenticity of the posthumous books or which vividly illustrate the relation of Hooker to present-day thought.

#### THE SOCIAL THEORIES OF BOOK I

The First Book of the *Ecclesiastical Polity* is a treatise on political science. In this book Hooker laid the foundations of his thought and the line of reasoning he proposed to employ in the discussions of the other books.

Out of the wealth of topics handled in the First Book it will be unnecessary to dwell here upon any save Hooker's theory of society and of the sanctions of government. It has not been unknown that John Locke found support for his ideas on government and for his theory of the Social Contract in Hooker's *Ecclesiastical Polity*, but it may not be fully realized that such a theory of the derivation of authority from the people to the magistrate underlies both Hooker's conception of the State and of the Church. The original and final sovereignty of the people is, accordingly, an essential part of Hooker's political theory and holds good both for the State and the Church. This theory, expressed in general terms in the First Book, will be found to underlie the arguments of Books V, VII, and VIII. The eight books form a consistent whole.

There is little in modern democratic theory which can not be found in Hooker's First Book. The people are the seat of

authority, and ruling authority is delegated to officers of the people's choosing. The differences in the number of magistrates, the length of office, and the manner of election may be held to be of the nature of accidents; yet in these minor points possibly lie all of the extremes from despotism to mob rule. Hooker found the discussion both easier and safer in the generalities of the First Book than in the Eighth Book which dealt with the actual situation in England.

#### TENETS OF PURITANISM: BOOKS II AND III

In the Second Book of the *Ecclesiastical Polity* Hooker proceeded from "laws in general" to "the use of Divine Law contained in Scripture: whether that be the only Law which ought to serve for our direction in all things without exception." In its effort to force a Presbyterian polity upon England the Calvinistic party had developed a literal insistence upon the letter of Scripture which Hooker opposed in favor of the literary-historical method. The Puritans' method of interpreting Scripture has, however, shown great tenacity and holds its own today in many Fundamentalist groups of Christians. It is not necessary, nevertheless, to classify Hooker with the Modernists when calling attention to his broader literary-historical method of interpreting and applying Scripture to life.

Hooker took occasion, also, to remind the too zealous that there were other sources of truth besides the Bible. Hooker saw that the cause of a large part of the Presbyterian-Puritan disapproval of the government and ritual of the Church of England had been the conscientious scruples engendered by what he thought was a mechanical use of Scripture and a prejudice against the validity of secular wisdom. He hoped to remove such conscientious scruples through an appeal to reason, but he was not unaware that the Puritans included a distrust of human reason also as an element of their religion.

In the Third Book Hooker asked "of Laws concerning Ecclesiastical Polity: whether the form thereof be in Scripture so set down, that no addition or change is lawful." Hooker herein directed his argument against the institution of the Presbyterian lay elder which he proposed to discuss more in detail in the Sixth Book. Modern Presbyterians seem to have pretty well agreed with Hooker that the Presbyterian system, though allowable as of human expediency, is not of divine necessity for the Church.

Although Hooker's rejection of lay elders was made in favor of bishops, yet the significance of his position lies rather in his rejection of the divine right plea by which both the Presbyterian leaders of his day and certain coming leaders in the Church of England justified their respective regimes. The High Church Party in the Church of England had adopted the Puritan principle that Scripture has prescribed a form of church government which is eternally binding on the Church. Thus the claim was made by the school of Bancroft that the episcopate was of divine right, and the doctrine of the apostolical succession was stressed. Hooker's basic principles, however, would have made it difficult for him to accept the claim of exclusive scriptural authority for episcopacy, and he probably no more held that government by bishops was a necessary mark of the true Church than that the rule of lay elders was obligatory for the Church.

#### THE CHURCH OF ENGLAND: BOOKS IV AND V

In the Fourth Book of the *Ecclesiastical Polity* Hooker considered the "general exceptions taken against the Laws of our Polity, as being popish, and banished out of certain reformed churches." The Fourth Book is largely a discussion of the question of which the Fifth Book is a more detailed account, that is, whether the Church of England in her doctrine, ceremonies, and government had forsaken the Protestant

faith for the practice of Rome. Hooker defended the Church of England against the accusations of the Presbyterians and Puritans that the Church of England had retained Roman Catholic elements contrary to the truth of Christ. Hooker's definition of Protestantism was a faith not necessarily Calvinistic and Presbyterian, but not a compromise with Rome.

The Fourth and Fifth Books demonstrate beyond question that Hooker was a thorough Protestant. He inclined neither to the rule of Rome nor to the elements of faith and worship which had been rejected by the Protestants at the Diet of Augsburg in 1530. Hooker had no use for the Papacy, but he did not fear the word Catholic. He believed in the Reformation, but he thought that some had gone too far. He held to what a nineteenth century writer has called "the conservative Reformation." Hooker's position, however, was not that of Bancroft and other forerunners of the Oxford and Anglo-Catholic movements of later centuries.

#### THE AUTHENTICITY OF THE SIXTH BOOK

The Sixth Book of the *Ecclesiastical Polity*, in its original form, was probably completed by 1593. Hooker, however, published only the first four books in 1593; he held back the last four for revision. Sometime between 1593 and 1596 he sent a manuscript of the Sixth Book to George Cranmer and Edwin Sandys for criticism. Their Notes in which they recommend improvements both in the style and the argument of the Sixth Book are extant.<sup>1</sup> Hooker intended also to send a copy of the Sixth Book to John Raynolds; whether he did so is not known.

Hooker described the Sixth Book of 1593 in the Preface which he published with the first four books:

<sup>1</sup> Library of Corpus Christi College, Oxford. Printed in Hooker's *Works*, Vol. III, pp. 108-139.



The second and third are concerning the power of jurisdiction: the one [the Sixth Book], whether laymen, such as your governing elders are, ought in all congregations for ever to be invested with that power. [Page 173.]

The Sixth, of the Power of Jurisdiction, which the reformed platform claimeth unto lay-elders, with others. [Page 196.]<sup>2</sup>

With this twofold description the title of the 1648 edition of the Sixth Book agrees:

The sixth Book; Containing their fifth Assertion: That our Lawes are corrupt and repugnant to the Lawes of God; in matter belonging to the power of Ecclesiasticall Iurisdiction, in that we have not throughout all Churches certaine Lay-Elders established for the exercise of that Power.

The contents of the Sixth Book as published in 1648, however, do not quite correspond with these descriptions of the book. In 1836 John Keble demonstrated that the Sixth Book of 1648 was not identical with the Sixth Book of 1593 which was discussed in the Notes of Cranmer and Sandys,<sup>3</sup> and thereupon concluded that the extant "Sixth Book" has been wrongly titled; he thought it was a treatise written by Hooker on the subject of penance.

Keble's deduction, however, may be controverted. The extant Sixth Book may be held to be an integral part of the projected revision of the book. Hooker's original Sixth Book had been subjected to such thoroughgoing criticism<sup>4</sup> that Hooker apparently decided to plumb the depths in its revision. An analysis of the extant Sixth Book yields the following results: Hooker announced the subject of "Lay-Elders" and their "Power of Jurisdiction in spiritual causes," pp. 1-4; he then discussed "The Nature of Spiritual Jurisdiction,"

<sup>2</sup> The quotations are made from the edition of 1888.

<sup>3</sup> *Works*, Vol. I, pp. xxxiv-xxxviii.

<sup>4</sup> *Works*, Vol. III, pp. 108-139.

pp. 4-6; and treated at length the subject of "Penitency, the chiefest end propounded by Spiritual Jurisdiction," pp. 7-123.<sup>5</sup> This material, published in 1648 as the Sixth Book, had been meant to be the first part of the revised book; it constituted a foundation for an intelligent and discriminating treatment of the whole subject of lay elders and the functions they were supposed to exercise in ecclesiastical affairs. The second part, which would have dealt with the special question of lay elders, was probably never completed.<sup>6</sup>

This suggestion that Hooker may have planned a revision of the Sixth Book in two parts is justified in view of the fact that Hooker was addicted both to the twofold division and also to the two categories, "generalities" and "specialties." The point will be elaborated at another place;<sup>7</sup> it is mentioned here in order to authenticate the Sixth Book on generalities as the first part of the projected revision; the second part on specialties is missing. The Sixth Book as completed in 1593 and discussed in the Notes of Cranmer and Sandys<sup>8</sup> was apparently confined to specialties, that is, to the question of lay elders. Hooker's revision of this material of 1593 would have constituted a second part on specialties. Had he lived to complete it<sup>9</sup> the revised book would have been in two parts: on the general question of church discipline and on the special question of the function of the lay elder therein. The outline of the completed book would have been:

Introduction to the Revised Sixth Book, pp. 1-6

Part I: Purpose of Spiritual Jurisdiction, pp. 7-123

Part II: Agents of Spiritual Jurisdiction—Lay Elders

<sup>5</sup> The page numbers refer to the edition of 1648.

<sup>6</sup> See below, pp. 99-104.

<sup>7</sup> See below, pp. 87-90.

<sup>8</sup> *Works*, Vol. III, pp. 108-139.

<sup>9</sup> See below, pp. 100-101.

## THE SEVENTH BOOK AND ITS AUTHENTICITY

The institution of episcopacy had survived the various ecclesiastical changes in England in the sixteenth century, though not without some loss of prestige, until 1589 when Richard Bancroft in a sermon at St. Paul's Cross enunciated the theory of the apostolical succession of the Anglican bishops. Prior to that time the various bishops and archbishops of the Church of England had rested their authority on the Act of Parliament of 1559. In his controversy with Thomas Cartwright and other Presbyterians in England, John Whitgift, Archbishop of Canterbury after 1583, had urged the value of the rule of bishops as of proven expediency for the Church as against the new device of Geneva. The Presbyterians, however, claimed that lay elders had scriptural sanction and that obedience to the Word of God demanded that bishops should be removed from the Church. Inasmuch as the Presbyterian plea of conscience and the Word of God apparently put the merely human institution of episcopacy in the class of the things of this world and, accordingly, as something less than divine, Bancroft's revival of the medieval theory of the apostolical succession may have been thought a happy way of meeting the divine right claims of the Presbyterians on their own ground.

This divine right theory of Richard Bancroft did not, however, meet with instant acceptance. There was at least one of the Queen's councillors who objected to it on the ground that it would tend to nullify the Queen's supremacy over the Church. Sir Francis Knollys addressed protests against Bancroft's theory of the divine right of episcopacy to Lord Burghley, to Walsingham, and to John Raynolds. Raynolds replied in September, 1589, with *An Answer to two Questions, propounded by a Privy Councillour concerning*

*Bishops, and their Superiority.*<sup>10</sup> Burghley wrote to Sir Francis that in Whitgift's "volume against Cartwright" he had said that, inasmuch as the saying "that the Superiority of Bishops was God's own Institution did impugn her Majesties Supreme Government directly, it was retracted plainly and truly."<sup>11</sup> There can be no doubt that Whitgift had grounded the authority of the bishops otherwise than on the doctrines of divine right and the apostolical succession.

Hooker also found the theory of the apostolical succession an unfamiliar doctrine. Aside, possibly, from a sentence which has been thought to indicate a wavering of opinion, the Seventh Book of the *Ecclesiastical Polity* does not endorse that theory:

Now although we should leave the general received persuasion held from the beginning, that the Apostles themselves left bishops invested with power above other pastors; although, I say, we should give over this opinion, and embrace that other conjecture which so many have thought good to follow, and which myself did sometimes judge a great deal more probable than now I do, merely that after the Apostles were deceased, churches did agree amongst themselves for preservation of peace and order, to make one presbyter in each city chief over the rest, and to translate into him that power by force and virtue whereof the Apostles, while they were alive, did preserve and uphold order in the Church, exercising spiritual jurisdiction partly by themselves and partly by evangelists, because they could not always every where themselves be present: this order taken by the Church itself (for so let us suppose that the Apostles did neither by word nor deed appoint it) were notwithstanding more warrantable than that it should give place and be abrogated, because the ministry of the Gospel and the functions thereof ought to be from heaven.<sup>12</sup>

The Seventh Book, accordingly, would seem to belong to the thought of the period which antedated Bancroft's famous sermon of 1589.

<sup>10</sup> Published, London, 1641, as *The Judgement of Doctor Reynolds*.

<sup>11</sup> Strype, *Whitgift*, Oxford, 1822 [1718], p. 389.

<sup>12</sup> *Works*, Vol. III, p. 209. Compare Vol. I, pp. lxxix-lxxx.



There are several considerations apart from the evidence of the Seventh Book which would seem to have made it impossible for Hooker to incorporate into his system the theory of the apostolical succession. In the First Book and throughout the *Ecclesiastical Polity* Hooker placed the seat of sovereignty in the people whence authority was derived to the officers whom they had chosen. This conception of society held good for Hooker both in the State and in the Church. The theory of the apostolical succession viewed the episcopacy as an order derived not from the whole Church but descending from the apostles, a class within the Church. Hooker's theory of the Social Contract and of the sovereignty of the people was so fundamental with him that he would have been slow to accept a newly-advanced theory incompatible with it.

Another and an equally valid reason for thinking that Hooker could not have consistently accepted the plea of divine right when made for the bishops of the Anglican Church, is that he had asserted that the outward polity of the Church was a thing of human right and of mere expediency. The argument which he had used to refute the claim of divine right for Presbyterian lay elders would have operated to oppose the claim of divine right made on behalf of the bishops of the Church of England. Hooker, accordingly, adhered to his original defence of episcopacy on the grounds of its long use and proven expedience.

A third consideration which may have had weight with Hooker would have been his desire to win the Puritans to conformity with the usages of the Church of England. It would have been one thing to persuade the Presbyterians to tolerate episcopacy as in accord with the law of the land and another thing to impose it upon them as of divine right. The development of the theory of the apostolical succession narrowed the intellectual position of the Church of England

and tended to exclude from that Church all those whose conscience would not permit them to subscribe to the theory. Hooker's broader position may be compared with the effort Archbishop Ussher was to make in 1641 to form a church polity which would comprise both Presbyterians and Episcopalians.<sup>13</sup> For Hooker to have endorsed the theory of the divine right of the bishops in 1593 would have been to lose the fruits of his whole argument for conciliation.

The foregoing three considerations which have been alleged to prove that Hooker could not consistently have accepted the theory of the apostolical succession serve also to authenticate the Seventh Book as representative of opinions Hooker must have held on the subject of episcopacy.

- No manuscript of the Seventh Book is known to be extant. Bishop Gauden, however, published the Seventh Book in 1662 from a manuscript which he declared was undoubtedly Hooker's own hand throughout. His words follow:

The Venerable *Author of these eight Books*, had formerly given the world an account of his *design in each of them*: Of which, five have many year been *extant in publique*; the last three were thought to have been never *finished*, and to be sure, they have been for many years *suppressed*; which are now come to light, after our late long troubles (as some buried *Statues*, and *hidden Monuments* are oft discovered by *Earthquakes*;) Such as they are, it is thought meet to present them to the *Reader*; each of them is by *learned Criticks* judged to be *genuine*, or *Authentick*, though possibly not so compleat and exact as the curious *Author* intended: the seventh book, by comparing the writing of it with *other indisputable Papers*, or known *Manuscripts* of *Mr. Hookers*, is undoubtedly his *own hand* throughout.<sup>14</sup>

If Gauden was not mistaken in reference to Hooker's hand, the Seventh Book is well authenticated.

The history and fate of Gauden's manuscript, nevertheless,

<sup>13</sup> See below, p. 118.

<sup>14</sup> Life of Hooker, *Works*, 1662, p. 26.

is wrapped in obscurity. Keble in 1836 lamented that Gauden was not more explicit as to the source of his manuscript of the Seventh Book:

It is extraordinary that in speaking of the seventh he [Gauden] should, as will have been seen, omit altogether to say where he found the MS., how he came by it, and what he did with it: nor does he leave any clue whatever for the guidance of future inquirers.<sup>15</sup>

Gauden did, however, leave a hint of the manner in which the manuscript of the Seventh Book had been recovered:

This *new Edition* of his *incomparable Work of Ecclesiastical Polity*; to which, by the care of some Learned men, especially of the Right Reverend Father in God, *Gilbert* now Lord Bishop of *London*, those genuine additions are now made of the *three last Books*, promised and performed by him, but long concealed from publique view, not without great injury to the publique good.<sup>16</sup>

Although Gilbert Sheldon, Archbishop of Canterbury after 1663, had commissioned Izaak Walton to write a life of Hooker to displace Gauden's Life of 1662, Walton apparently was not informed concerning the source of the manuscript of the Seventh Book. It may be presumed that the Archbishop would not have withheld from Walton any facts to the discredit of the Seventh Book had he been possessed of any such knowledge. The very silence of the Archbishop on this point when he might have shed light on the source and nature of the manuscript of the Seventh Book argues eloquently for the authenticity of that book. This argument is based on the premise that Gilbert Sheldon did not desire the authentication of the posthumous books of the *Ecclesiastical Polity*. Gauden died suddenly in 1662 after having been promoted to

<sup>15</sup> *Works*, 1888, Vol. I, p. xl. The Seventh Book was included in 1688 in a list of books and manuscripts of Trinity College, Dublin. *Catalogus MSS. Angliae*, etc., 1696. See *Works*, Vol. I, p. xlvii.

<sup>16</sup> *Works*, 1662, p. 26.



the see of Worcester; and Gilbert who had been Bishop of London became the Archbishop of Canterbury in 1663. That the new Archbishop was not pleased with Gauden's work may be derived from the words of Izaak Walton which he prefixed to his collected *Lives* in 1670:

Dr. Gauden (then Lord Bishop of Exeter) publisht *the Life of Mr. Richard Hooker*, (so he called it,) with so many dangerous mistakes, both of him and his books, that discoursing of them with his Grace, Gilbert that now is Lord Archbishop of Canterbury, he enjoyned me to examine some circumstances, and then to rectify the bishop's mistakes, by giving the world a fuller and a truer account of Mr. Hooker and his books, than that bishop had. . . . His Grace . . . twice enjoyned me to it.<sup>17</sup>

The fuller and truer account of Mr. Hooker's books which Walton wrote at the request of Archbishop Sheldon consisted in an elaborate attempt to discredit the posthumous books. The Archbishop, accordingly, may fairly be held to have been in sympathy with Walton's work.

A comparison of the title of the Seventh Book as published in 1662 with Hooker's twofold description of that book in his Preface of 1593 gives added confirmation of the authenticity of the extant book. On page 196 of the Preface Hooker mentioned "the Seventh, of the Power of Jurisdiction, and the honour which is annexed thereunto in Bishops." On page 173 he had phrased it: "Whether bishops may have that power over other pastors, and therewithal that honour, which with us they have."<sup>18</sup> With this division of the book into two parts: of power and of honor, the title and the contents of the edition of 1662 agree: "That there ought not to be in the Church, Bishops indued with such Authority and Honour as ours are." The word "authority" may be taken as the equivalent of "power." This division into two parts is, however,

<sup>17</sup> *Works*, 1888, Vol. I, p. 3.

<sup>18</sup> The numbers refer to the edition of 1888.



hidden by the way in which the book was published in twenty-four chapters. The following analysis of the Seventh Book will illustrate this point:

CHAPTER SUMMARIES	INTERNAL OUTLINE	PAGES EDITION 1888
I-II	<i>Introduction: On Bishops</i>	141-149 —
III-XVI	<i>Part One: Their Power or Authority</i>	149-261
III-VIII	1. Exposition or Generalities	149-200
IX-XVI	2. Debate or Specialties	200-261
XVII-XXIV	<i>Part Two: Their Honour</i>	261-325
XIX-XXI	1. Exposition or Generalities	274-282
XXII-XXIV	2. Debate or Specialties	282-325

The Seventh Book, accordingly, is seen to be in two parts: the power or authority of bishops and the honor of bishops. Each of these parts is subdivided into the logical categories, generalities and specialties. The significance of such a method of division and of the use of the categories, generalities and specialties, will be discussed under the head of the authenticity of the Eighth Book.<sup>19</sup> It will be seen that it serves to authenticate all three of the posthumous books.

It is quite obvious, also, that the chapter divisions and summaries of the Seventh Book were made after the book had been composed. This fact would indicate that it had been prepared for the press.

#### THE SUBJECT OF THE EIGHTH BOOK

The subject of the Eighth Book of the *Ecclesiastical Polity* is the supremacy in ecclesiastical affairs given to the Queen of England by the Parliament of 1559: 1 Elizabeth c. 1. In the Eighth Book Hooker discussed the question of the separation of Church and State and the use of the temporal sword; the nature of the supremacy of the Crown in ecclesiastical affairs,

<sup>19</sup> See below, pp. 87-90.

its sanctions, its limitations, and its precedents; the control of the Sovereign over public assemblies and over legislation, both civil and ecclesiastical; the prerogative of the Queen to nominate the bishops of the Church; the final voice or veto in all affairs whether civil or ecclesiastical; and the Prince's exemption from excommunication by the Church. Much attention is given in the Eighth Book to theories of society and the Social Contract. The theory of the medieval Church of the human origin and nature of civil societies was applied by Hooker to the Church viewed as a society. For such origins of government and institutions by human consent, Hooker claimed divine sanction and alleged the providence of God in their preservation.

The Elizabethan system which Hooker was defending in the Eighth Book had elements which had survived from the feudalism of the Middle Ages as well as the Renaissance contributions of nationalism and of the Protestant Reformation. The bishops retained something of their feudal functions, and the Crown was in some respects only a magnified feudal lord. Hooker gave a certain control to the bishops, but asserted the theoretical sovereignty of the people. The fact still held out against the theory. The medieval Church had comprised the clergy alone, but the voice of the laity began to be heard. Feudalism was giving way to nationalism, and Catholicism yielding to Protestantism. The prerogatives of the Crown were being met by the assertion of the rights of the people. The contest between king and barons was becoming a struggle between king and people. The simile of associated members was being displaced by the figure of a head and body.

But for Hooker, England was a society in which, though different orders remained, yet the various parts functioned as a harmonious whole. Queen and Council, Parliament and Convocation—each was assigned its proper sphere, and all

worked together in perfect accord, disturbed, however, occasionally by disorderly persons. Hooker wrote the Eighth Book to defend the traditional England from the innovations which the political theories of Calvin would have introduced. In spite of the attempts in the sixteenth and seventeenth centuries to modify or to impose a new form of government upon England, she has retained her ancient forms well into the twentieth century. The movement for disestablishment of the Church has not yet proved successful, although the ideal of uniformity has long been lost. Hooker's argument was based, as he himself states, upon a conception of an England which was Christian and in which every citizen of the State was a member of the Church and whose Prince was Christian. Such a view may have been utopian even for the England of Elizabeth; it is certainly not true of modern England that the Church is coextensive with the State. The Eighth Book, accordingly, may be thought of as a defence of an ideal which Hooker hoped was in process of realization. He had idealized the actual.

## VI

### THE AUTHENTICITY OF THE EIGHTH BOOK

Since Keble's 1836 publication of an improved text of the Eighth Book, together with his Preface in which he discussed the history and state of the posthumous books of the *Ecclesiastical Polity*, it has been generally admitted that the Seventh and Eighth Books are essentially authentic, though not revised and prepared for the press by Hooker and not without suspicion of having been corrupted in critical passages. This is a doubtful authentication; more might be claimed for the Eighth Book. Although it is not to be denied that, had Hooker lived to see it through the press, he probably would have revised it and made it something else than it now is; yet it has another kind of genuineness: it represents his first thoughts and the positions he held in 1593, when he had eight books of the *Laws of Ecclesiastical Polity* entered upon the Stationers' Register and probably had copies made for the use of the printer. This point will be discussed later.<sup>1</sup>

- The authenticity which is herein claimed for the Eighth Book is that it is a faithful representation of what Hooker had thought ready for publication in 1593. From a historical point of view the survival of this 1593 document may be of even higher value than would have been a revised Book VIII of 1600. A revision of the book might have enlarged it and improved its form, but it might also have excluded some highly interesting theories which have been perpetuated in the book as it has survived. The charges of the corrup-

<sup>1</sup> See below, p. 91.



tion of the manuscript copies, made by Izaak Walton and thought probable by Keble and accepted by others, will be shown to be baseless and practically impossible of accomplishment.

There are three special considerations which make strongly for the authenticity of the Eighth Book: first, the subject matter of its extant manuscripts corresponds with the subject Hooker announced in 1593; second, it is in harmony with the thought and theories of the five books which Hooker saw through the press; and, third, it has an internal outline which is characteristically Hooker's.

#### ON THE ANNOUNCED SUBJECT

The content of the extant manuscripts and editions of the Eighth Book answers to the specifications of 1593. In the Preface to the first four books, published in 1593, Hooker gave two summaries of all eight books of the *Ecclesiastical Polity*. The two summaries of the Eighth Book follow:

##### PAGE 173, EDITION 1888

There is a third power, a power of Ecclesiastical Dominion, communicable, as we think, unto persons not ecclesiastical, and most fit to be restrained unto the Prince or Sovereign Commander over the whole body politic: the eighth book we have allotted unto this question, and have sifted therein your objections against those preeminences royal which thereunto appertain.

##### PAGE 196, EDITION 1888

What Things are handled in the Books following: . . . The Eighth, of the power of Ecclesiastical Dominion or Supreme Authority, which with us the highest governor or Prince hath, as well in regard of domestical Jurisdictions, as of that other foreignly claimed by the Bishop of Rome.

With these two statements the titles of the edition of 1648 and of the Dublin manuscript<sup>2</sup> may be compared:

<sup>2</sup> See below, p. 124.

EDITION 1648, PAGE 129

MS D, PAGE 1

OF THE LAWES OF Ecclesiasticall Politie: The eighth Book; Containing their seventh Assertion: That to no civill Prince or Governour, there may be given such power of Ecclesiasticall Dominion as by the Lawes of this Land belongeth unto the supreme Regent thereof.

Their Seventh Assertion, That unto no Civill Prince or Governour there may be given such power of Ecclesiasticall Dominion, as by the Lawes of this Land belongeth unto the Supreme Regent thereof.

The comparison reveals undoubted agreement of the extant titles of the Eighth Book with the descriptions Hooker gave in 1593. The evidence of the titles, accordingly, makes for the authenticity of the Eighth Book.

There is embedded in the text of the Eighth Book an outline of its contents. A copy of this internal outline is appended in order to show that the actual content of the Eighth Book fulfils the promise of its title:

Whereupon it is growne a question, whether power Ecclesiasticall over the church, power of dominion in such degree, as the lawes of this land doe grant unto the Sovereigne Governour thereof, may by the saide Supreme Governour lawfully be enjoyed & held.

For resolution wherein, wee are first to define what the power of dominion is, 2 then to shew by what right, 3 after what sort, 4 in what measure, 5 with what conveniency, 6 according unto whose example Christian kings may have it.

And when these generalities are opened, to examine afterwards how lawfull that is, which wee in regard of dominion doe attribute unto our owne, namely the title of Headship over the church, so far as the bounds of this kingdome doe reach.

2 The prerogative of calling & dissolving greater assemblies about spirituall affaires publique.

3 The right of assenting unto all those orders concerning religion, which must after be in force as laws.

4 The advauncement of principall church Governours to their Roomes of prelacy.

5 Iudiciall authority higher then others are capiable of.

6 Exemption from being punnishable with such kynd of censures, as the platforme of Reformation doth teach, that they ought to be subject unto.<sup>3</sup>

This outline is obviously that of a discussion of the subject as announced in the titles and in the Preface. The outline is faithfully adhered to in the text which follows it. The outline is, moreover, strong evidence for the authenticity of the several chapters of the Eighth Book. This authentication will be recalled later.<sup>4</sup>

#### CONSISTENT WITH BOOKS I-V

The next consideration which makes for the authenticity of the Eighth Book of the *Ecclesiastical Polity* is the fact that its contents and ideas are consistent with those of the first five books and especially with the First Book of 1593. Books V, VI, VII, and VIII were planned to be detailed studies of specific points at issue for which Hooker had laid down the principles in the first four books. Although the Fifth Book was probably revised and enlarged after 1593 and before its publication in 1597, the last three books did not receive such revision and represent, therefore, their state of completion in 1593.<sup>5</sup> The work had been planned and executed as a whole by 1593. The words of Hooker in the Preface, where he gave the two summaries of the eight books of the *Ecclesiastical Polity*, indicate the relation of the books to each other and to the whole. This work of Hooker's, accordingly, should be expected to have internal consistency of political and ecclesiastical theory; and the

<sup>3</sup> Quoted from the Lambeth MS, pp. 9-10. See below, p. 167.

<sup>4</sup> See below, p. 124.

<sup>5</sup> This statement is strictly true only of the Seventh and Eighth Books; the revision of the Sixth Book was under way when Hooker died. What was published in 1648 as the Sixth Book is what Hooker had written just prior to his death in 1600. See above, p. 72.

fact of the consistency of the Eighth Book with the five books actually published by Hooker makes for the authentication of that book.

Although there have been those who have asserted that passages in the Eighth Book have been interpolated, I know of no one who has undertaken specifically to show that the ideas of the Eighth Book are not in harmony with those of the other books of the *Ecclesiastical Polity*. In the seventeenth century when many were arguing that certain ideas in the Eighth Book could not have been Richard Hooker's, and that, therefore, the book had been corrupted, Richard Baxter told them that their labors were in vain, for the ideas to which they objected were also in the First Book whose authenticity was unquestionable. Baxter's statement has the more force in that he had strong objection to much of Hooker's doctrine. His words were:

It is not all in Mr. *Hookers* first and eighth Book which I gainsay; but the principle of the Peoples being the fountain of Authority, or even that Kings receive their Office it self from them . . . if any (causelessly) question whether the eighth (imperfect) Book be in those passages his own, let them remember that the sum of all that I confute, is in his first Book.<sup>6</sup>

Baxter admitted the authenticity of the Eighth Book, but called it imperfect. He used the edition of 1662, which lacked the Part III material which Keble later added to the edition of 1836 from the Dublin manuscript.<sup>7</sup> Baxter's judgment has been followed by Keble and more recent writers upon the books of the *Ecclesiastical Polity*.

Inasmuch as the point is not in dispute, so far as I know, it will hardly be necessary to marshal a list of ideas which

<sup>6</sup> *A Christian Directory*, London, 1673, Tom. IV, "Christian Politics," chap. iii, pp. 10 ff., and address "To the Reader."

<sup>7</sup> See below, p. 124.



are common to the First and Eighth Books. In my previous references to the First Book, however, I have emphasized some of them. One such is the theory of the Social Contract, together with Hooker's ideas on law, government, and the nature of society. The same attitude, also, to divine right characterizes both, and the same high regard for institutions formed by human consent and maintained by human law. The Eighth Book, consequently, belongs by virtue of its content to the *Ecclesiastical Polity*.

A charge of corruption which must be rejected was made by Sir William Dugdale in 1681:

They did at length gain those very Books into their hands; and not long after the beginning of this late unparallel'd Rebellion . . . most shamefully corrupted them in sundry places, omitting divers passages . . . and instead thereof inserting . . . amongst which was this, *in terminis*, that, *though the King were singulis major, yet he was universis minor*; and having so done caus'd them to be publish'd in Print.<sup>8</sup>

The theory expressed in the words which Dugdale challenged underlies Hooker's whole conception of society and government.<sup>9</sup> It is easy to understand, however, why the doctrine may have been displeasing to Charles I in 1648, and unacceptable to Sir William Dugdale in 1681.<sup>10</sup>

#### THE NATURE OF ITS OUTLINE

A third consideration which makes for the authenticity of the Eighth Book is derived from its internal outline. Reference has been made above under the heads of the Sixth and Seventh Books<sup>11</sup> to Hooker's method of employing the two-

<sup>8</sup> *A Short View of the Late Troubles in England*, 1681, p. 39. Compare *Works*, Vol. III, p. 346. See below, p. 173.

<sup>9</sup> See above, p. 67.

<sup>10</sup> See below, p. 117 and note.

<sup>11</sup> See above, pp. 72, 79.

fold division of material and to his use of the logical categories, "generalities" and "specialties."

The *Ecclesiastical Polity* as a whole was also divided into two parts under the same categories, generalities and specialties. The first four books were classed as generalities, and the last four as specialties. On page 173 of the Preface Hooker wrote: "Of those four Books which remain and are bestowed about the specialties of that cause which lieth in controversy."<sup>12</sup> The preceding descriptions in the Preface of the first four books indicate that they were regarded as "generalities" of the question. In the advertisement to the reader which he appended to the edition of the first four books in 1593 Hooker said: "Such generalities of the cause in question as here are handled, it will be perhaps not amisse to consider apart, by way of introduction unto the bookes that are to followe concerning particulars."<sup>13</sup> The word "particulars" is the equivalent of "specialties." It is evident, accordingly, that Books V, VI, VII, and VIII dealt with the special points in controversy, and that the first four books dealt with general principles and introductory questions.

The Fifth Book, which deals with specialties, has also a twofold division,<sup>14</sup> as may be discovered from the two descriptions of that book in Hooker's Preface:

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Of those four Books which remain and are bestowed about the specialties of that cause which lieth in controversy, the first [Book V] examineth the causes by you alleged, wherefore

[I] the public duties of Christian religion, as our prayers, our Sacraments, and the rest, should not be ordered in such sort as with us they are; [II] nor that power, whereby the persons of men are consecrated unto the

<sup>12</sup> Edition 1888.

<sup>13</sup> Quoted below, p. 94.

<sup>14</sup> The title of the Fifth Book also clearly shows the division of the book into "duties" and "persons." *Works*, Vol. II, p. 10.

ministry, be disposed of in such manner as the laws of this church do allow.

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What Things are handled in the Books following . . . The Fifth,

of our Laws that [I] concern the public religious duties of the Church, and [II] the manner of bestowing that Power of Order, which enableth men in sundry degrees and callings to execute the same.

The first part of the Fifth Book constitutes Chapters XI-LXXV; the second constitutes Chapters LXXVI-LXXXI. The one treats of things, and the other of persons; both are on specialties. Chapters I-X form the introduction to the two parts; these chapters are of the nature of generalities, as may readily be seen by Hooker's use in Chapter V of the term "general propositions." Thus the categories, generalities and specialties, recur in the Fifth Book.

The Sixth Book, as originally written and as discussed in the Notes of Cranmer and Sandys, also dealt with specialties; but in his projected revision of that book Hooker probably prefixed to it a first part on generalities. It is not difficult to imagine how the enlargement of an introduction could give it almost independent status and the right to be entitled the first part of a book. This point is discussed above under the head of the Sixth Book.<sup>15</sup>

The Seventh Book also deals with specialties, and is divided into two parts. Each of these parts, moreover, is subdivided into the familiar generalities and specialties. The outline of the book and a discussion of the point are given above.<sup>16</sup>

The first four books, inasmuch as they were concerned with generalities, do not have the division into generalities and specialties.

In the Eighth Book the division into generalities and specialties is most obvious. The internal outline of the

<sup>15</sup> See above, p. 72.

<sup>16</sup> See above, pp. 78-79.

Eighth Book, which is given above, contains the words, "When these generalities are opened, to examine afterwards."<sup>17</sup> In Ussher's copy of this outline, which is given below,<sup>18</sup> he has phrased the first and second parts respectively as: *Of Kings and their power Ecclesiastically generally*, and *Of the Kings of England particularly*. These are clearly the categories, generalities and specialties.

This twofold division of the Eighth Book and its use of these logical categories make for the authenticity of the book, and also for the authenticity of the Sixth and Seventh Books. These categories may possibly have been a heritage from scholasticism, and their use in the sixteenth century may not have been peculiar to Hooker; but the recurrence of the twofold division and of these categories in the classification of the books of the *Ecclesiastical Polity* into two groups, and in the divisions of the Fifth Book, would serve at least to establish Hooker's use of these categories and of this method of division, and serves, consequently, to stamp the extant Sixth, Seventh, and Eighth Books as his workmanship.<sup>19</sup>

<sup>17</sup> See above, p. 84.

<sup>18</sup> See below, p. 125.

<sup>19</sup> Another consideration making for the authenticity of the posthumous books might be derivable from a study of the style of the several books of the *Ecclesiastical Polity*; it might be possible to show that the style of the Sixth, Seventh, and Eighth Books is not unlike that of the books published in Hooker's lifetime. Numerous literary critics have attempted to point out the peculiarities of Hooker's style, but it may be doubted whether their analyses are sufficiently minute to differentiate his style from that of those of certain of his contemporaries who were trained in the same schools and writing on the same subjects. What studies I have made on this subject have revealed no differences between the books of the *Ecclesiastical Polity*. Hooker's sentences, for example, vary in length; but the average length of sentence remains pretty much the same throughout the whole work. The last three books possess all the qualities which are usually associated with Hooker's style: sentence structure, turn of phrase, point of view, method of argument, and judicious tone.



## VII

### HISTORICAL REFERENCES

The foregoing arguments have shown: first, that the extant Eighth Book is on the subject announced in 1593; second, that it is in harmony with the thought of the first four books published in 1593; and, third, that its outline bears the stamp of Richard Hooker. The several historical references to the last three books also make for the authenticity of the Eighth Book. The history of the manuscripts of the last three books for half a century and more after Hooker's death is but imperfectly known. A few traces, however, have been left of their passage from hand to hand, and some comment upon them has survived.

#### IN EXISTENCE IN 1593

The evidence seems to be irresistible that Hooker had written and prepared for the press all eight books of the *Laws of Ecclesiastical Polity* before January 29, 1593. This fact was denied by Izaak Walton in 1665,<sup>1</sup> but it is lately gaining in acceptance.<sup>2</sup> The evidence for the completion of all eight books in 1593 follows.

When *The lawes of ecclesiasticall policie* was entered in the Stationers' Register on "29 Januarij" [1592], "Eight bookes" were mentioned.<sup>3</sup> Such registration, however, is not abso-

<sup>1</sup> *Works*, Vol. I, pp. 68-69. Walton affirmed: "In this Boscum he continued till he had finished four of his eight books . . . and these were entered . . . but not published till the year 1594 . . . but at Boscum he finisht and publisht but only the first four."

<sup>2</sup> See below, p. 93.

<sup>3</sup> See above, p. 54, n. 7.

lute proof that all eight books had actually been composed by that date;<sup>4</sup> but the accompanying entry, "Authorised by the lord archbishop of Canterbury his grace vnder his hand," would strengthen the probability that all eight books were contained in the "copie" submitted.

Hooker's Preface to the *Ecclesiastical Polity*, published with the first four books in 1593, also makes for the theory that he had completed all eight books by January 29, 1593. Mention has previously been made of the two descriptions in the Preface of the eight books of the *Ecclesiastical Polity*. The language Hooker used in the enumerations clearly indicates that the last four books as well as the first four books had already been composed. In Chapter VII of the Preface Hooker wrote:

Of those four Books which remain and are bestowed . . . the first [Book V] examineth . . . the second [Book VI] and the third [Book VII] are concerning . . . the eighth book we have allotted unto this question, and have sifted therein . . . Thus have I laid before you the brief of these my travails, and presented unto your view the limbs of that cause litigious between us; the whole entire body whereof being thus compact, it shall be. . .<sup>5</sup>

The Eighth Book is specifically mentioned in this quotation from Hooker's Preface; it is, accordingly, along with the other posthumous books, seen to have been composed before these words of the Preface were written.

Additional proof is afforded in the eighth chapter of the Preface where Hooker wrote:

<sup>4</sup> G. B. Harrison makes this point in his *Books and Readers, 1591-1594*, but he does not mention the *Ecclesiastical Polity*. *The Library*, Fourth Series, Vol. VIII, No. 3, Dec. 1927. In *An Elizabethan Journal of the Years 1591-1594* (London, 1928, pp. 346-347), however, he accepts the traditional date 1594.

<sup>5</sup> *Works*, Vol. I, p. 173.

First concerning the supreme power of the Highest, they are no small prerogatives, which now thereunto belonging the form of your discipline will constrain it to resign; as in the last book of this treatise we have shewed at large.<sup>6</sup>

The "last book" refers, of course, to the Eighth Book. Keble has offered a comment upon these words of Hooker: "From this it would seem that the whole treatise was in a manner finished before 1594, when this preface was published." It may be observed that Keble had accepted Walton's date of 1594 for the first edition of the first four books of the *Ecclesiastical Polity*; the difference in opinion of a year for the actual publication, however, does not affect the course of the present argument for the completion of all eight books in 1593. Keble's use of the qualifying phrase, "in a manner finished," may need explanation. Although all eight books were probably thought by Hooker completed when he offered them for publication in 1593, there can hardly be any doubt that he subsequently planned to revise the last four books. Such revision was probably made in the Fifth Book before its publication in 1597; a similar revision of the Sixth Book was interrupted by Hooker's premature death in 1600.

Ronald Bayne, in his 1902 edition of the Fifth Book, holds the same view:

The treatise thus summarized was apparently in some fashion finished when the first four Books were published in 1594; but Hooker held back the four later Books for further consideration and revision.<sup>7</sup>

The evidence of Hooker's Preface may be compared with "An advertisement to the Reader" which he appended to the first edition of the first four books in 1593. It follows:

<sup>6</sup> *Works*, Vol. I, p. 177, and n. 2.

<sup>7</sup> *Fifth Book*, p. xxxix. See also p. 72, above.

I Have for some causes (gentle Reader) thought it at this time more fit to let goe these foure bookes by themselues, then to stay both them and the rest, till the whole might together be published. Such generalities of the cause in question as here are handled, it will be perhaps not amisse to consider apart, by way of introduction vnto the bookes that are to followe concerning particulars.<sup>8</sup>

This statement of Hooker's may possibly be more significant for the things it leaves unsaid than for what it explicitly states. Whatever may be read between the lines, it might not be inexact to say that it is not out of accord with the theory that all eight books had been completed in 1593, but that the last four books were held back for revision.<sup>9</sup>

The evidence of the Notes of George Cranmer and Edwin Sandys on the Sixth Book of the *Ecclesiastical Polity*<sup>10</sup> also makes for the theory of the composition of all eight books by 1593. These notes mention the "book of Bishops,"<sup>11</sup> and, accordingly, prove that the Seventh Book also was in existence when the notes were made. These notes apparently were composed after the printing of the first four books in 1593, but before the publication of the Fifth Book in 1597.<sup>12</sup> The first four books are referred to as "the former bookes"<sup>13</sup> and "your printed bookes."<sup>14</sup> They had been criticized by Raynolds either before or after publication.<sup>15</sup> Cranmer understood that Hooker intended to send Raynolds the Sixth Book also for criticism.<sup>16</sup> The Second, Third, and

<sup>8</sup> Quoted from the edition of 1593. Compare *Works*, Vol. I, p. 70.

<sup>9</sup> See below, pp. 96-97.

<sup>10</sup> Printed by Keble, *Works*, Vol. III, pp. 108-139.

<sup>11</sup> Page 126.

<sup>12</sup> A recommendation by Cranmer (p. 115), "Looke to the quotations in the margine," notices a defect common to the Sixth Book and to "the former bookes" (p. 129), which was to be corrected in the edition of the Fifth Book in 1597.

<sup>13</sup> Pages 109, 120.

<sup>15</sup> Page 109.

<sup>14</sup> Page 130.

<sup>16</sup> Page 112.



Fourth Books are specifically mentioned in these notes, but there is no reference to the Fifth and Eighth Books. The Parliament of 1593 was still fresh in Sandys' mind.<sup>17</sup>

Edwin Sandys was in England in 1595 and 1596. This is in refutation of the common belief that he and George Cranmer had set out on their travels in 1593 and that Sandys remained abroad until 1599. On the contrary, the three-year continental tour of Cranmer and Sandys (probably less than a year for Cranmer) began sometime after June 26, 1596. A letter preserved in the *Acts of the Privy Council* under that date refers to Sandys' projected journey:

Forasmuch also as the saide Edwin Sandes is expreslie comaunded by her Majestie to attend upon our verie good Lord the Earle of Lincoln in his purposed Ambassage into Germany, and also licensed afterwarde to travaile into other forreyn partes . . .

Cranmer probably went along and returned in the suite of the Earl of Lincoln, while Sandys proceeded further. This evidence is confirmed by the records of the Temple that Sandys was admitted to chambers on December 1 and December 20, 1595, and vacated the latter assignment on or before May 18, 1596.

The Notes of Cranmer and Sandys<sup>18</sup> were, accordingly, most probably composed by 1596, and possibly as early as 1593. The original Sixth Book and also the Seventh Book were therefore in existence in 1596 if not in 1593. The Eighth

<sup>17</sup> Op. cit., pp. 132, 138.

<sup>18</sup> Henry King, according to his Letter to Walton in 1664, sent the Notes of Cranmer and Sandys to Walton. It may, accordingly, be supposed that the Notes had been in the collection of Hooker's MSS which came into the hands of John Spenser in 1604. Henry King apparently had not surrendered the Notes to Archbishop Abbot along with the manuscripts of the last three books of the *Ecclesiastical Polity*.

Book was probably also in existence before the revision of the Sixth Book was undertaken.

#### DELAY IN PUBLICATION

John Strype in 1718 printed from MSS Burghlean a letter of Richard Hooker to Lord Burghley under date of March 13, 1593. Strype headed the letter, "Mr. Richard Hooker to the Lord Treasurer, when he sent him the written copy of his Ecclesiastical Polity."<sup>19</sup> Keble had in mind the first edition of the first four books when he said, "It is not unlikely that the delay which ensued in the printing was occasioned by him."<sup>20</sup> This submission of the manuscript of the *Ecclesiastical Polity* to Lord Burghley, accordingly, may have a bearing upon the actual date of the publication of the first edition. It may have, however, a still more significant import for the last four books. But Hooker's letter to Burghley does not throw much light on the point at issue. He wrote in part:

My faultiness had been greater, if these writings concerning the nobler part of those laws under which we live, should not have craved with the first your Lordship's favourable approbation . . . Wherefore submitting both myself and these my simple doings unto your Lordship's most wise judgment, I here humbly take my leave.

Hooker does not say that the manuscript he submitted to Lord Burghley contained all eight books, but had some of the books been missing from the manuscript it would have required a word of explanation to Lord Burghley; Hooker's silence on this point may be thought good evidence that the *Ecclesiastical Polity* was entire on March 13, 1593. The description, "the nobler part of those laws under which we live," seems to be a direct reference to the Eighth Book.

<sup>19</sup> Strype, *Life of Whitgift*, ed. 1822, Vol. III, p. 299. See *Works*, Vol. I, p. 116.

<sup>20</sup> *Works*, Vol. I, p. xiv.

These considerations strengthen the probability that all eight books were in existence in 1593.

Hooker had entered his work in the Stationers' Register six weeks previously. What occasioned Hooker to submit his manuscript to Lord Burghley at this late date can only be a matter of speculation. Some one out of sympathy with Hooker's theories might have called Burghley's attention to the *Ecclesiastical Polity*, or Hooker himself may have sent his work to Burghley upon his own initiative or upon the prompting of his friends. The intimate relationship of Hooker with Edwin Sandys has been frequently mentioned above: it might very well have been that Sandys,<sup>21</sup> a member of the Parliament of 1593, had called Burghley's attention to Hooker's work in connection with certain bills which were under discussion in Parliament. On March 13 Sandys spoke in the House on one of these bills; the same day Hooker wrote his letter and sent the *Ecclesiastical Polity* to Lord Burghley; on the following day Burghley took personal charge of the bill. The bill was a proposal to legalize beyond all question the proceedings against the Protestant sectaries by interpreting 23 Elizabeth, c. 1, so as to apply it to them as well as to Catholic recusants. It may be possible that Sandys thought that Hooker's *Ecclesiastical Polity*, with which he was probably well acquainted, would have something to say on the subject which would interest Burghley. The rest may be imagined. Sandys would have been thinking principally of Hooker's Preface which was written largely with the Brownists and Barrowists in mind, but Burghley may have found other things in the *Ecclesiastical Polity* to attract

<sup>21</sup> See *D. N. B.* for Sir Edwin Sandys. For the Parliament of 1593 I have consulted the *Statutes of the Realm*; D'Ewes, *Journals*, London, 1682; Cobbett, *Parliamentary History*, 1066-1625; the *Calendars of State Papers*, 1856, 1871; and Strype's *Annals and Life of Whitgift*.

him, and possibly some things in Book VIII of which he did not approve. It is in the Eighth Book that Hooker discusses the relations of the Crown to the people, and limits the prerogatives of the Queen. Burghley may have found Hooker too much of a Republican for his liking, especially if the subsequent career of Edwin Sandys in the parliaments of the Stuarts was in any way determined by the doctrines he had learned under the tutelage of Hooker. Would it be going too far to suppose that Burghley discouraged the immediate publication of the Eighth Book and that Hooker was quite readily persuaded that the *Ecclesiastical Polity* needed some revision and literary polishing?<sup>22</sup>

It is significant that in the first four books as published Hooker studiously refrained from pronouncing any opinion upon any of the questions which belonged more properly to Books VII and VIII. The Fifth Book as revised and published in 1597 avoided the delicate subject of the origin and nature of the episcopacy and omitted all reference to the prerogatives of the Queen in ecclesiastical affairs. Even in his discussion of the ministry in the seventy-eighth chapter of the Fifth Book, Hooker limited himself to the statement:

— Churches apostolic did know but three degrees . . . at the first Apostles, Presbyters, and Deacons, afterwards instead of Apostles Bishops, concerning whose order we are to speak in the seventh book.

It is not charged that Lord Burghley suppressed the last three books of the *Ecclesiastical Polity*. The delay he may have effected in the publication of those books would have been simply a delay had Hooker lived to revise and publish them. But the premature death of Hooker before such revision and publication had been accomplished left manuscripts of the last three books which had been judged in need

<sup>22</sup> *Works*, Vol. II, p. 480.



of revision. The failure of the friends of Hooker and of the custodians of the manuscripts to publish them might be justified on the grounds that the last three books had been designed by Hooker himself for revision and that the surviving copies had not undergone such revision. There was little disposition to give to the world Hooker's copies of 1593.<sup>23</sup> The manuscripts were, nevertheless, probably treasured by private individuals and consulted for Hooker's views on questions relating to Church and State.

### THE QUESTION OF REVISION

Most writers who have referred to the posthumous books of the *Ecclesiastical Polity* have held to the opinion that the last three books had been revised after 1593, and that the revised copies have been lost. It may be worth while to examine whether, after all, there had ever been such revision. At the end of the Fifth Book, which he had published in 1597, Hooker added the note:

To the Reader. Have patience with me for a small time, and by the helpe of Almightye God I will pay the whole.

This is probably the last word which has survived from Hooker on the subject of the last three books.

A record of 1603, however, needs to be explained. William Covell undertook to defend the first five books of Hooker's *Ecclesiastical Polity* against the *Christian Letter* of 1599<sup>24</sup> which Hooker himself had planned to answer. Covell wrote:

Concerning those three Books of his, which from his own mouth I am informed that they were finished, I know not in whose hands they

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<sup>23</sup> John Spenser, however, in 1604 proposed to publish them.

<sup>24</sup> See above, p. 35.

are, nor whether the Church shall ever be bettered by so excellent a work.<sup>25</sup>

These words seem to have been almost universally interpreted to mean that Hooker had completed the revision of the last three books, but I would suggest that they should be referred to the books as they had been finished in 1593. Whether Covell had gained a wrong impression from Hooker's words to him, or whether Covell's own words have been subjected to a wrong interpretation, may be indeterminable; the words of William Covell were ambiguous. Isaac Disraeli stands almost alone in his statement, "His premature death left his manuscripts roughly sketched."<sup>26</sup>

There are several considerations which might be advanced to demonstrate the improbability of the theory that Hooker had completed the revision of the last three books before his death. He had revised and published the Fifth Book in 1597; there remained but three years until his death in 1600. That would have been a rather short time in which to revise the books on the scriptural authority for lay elders, the functions of the Anglican bishops, and the prerogatives of the Crown in ecclesiastical affairs.

Hooker had been the rector of the Bishopsbourne Church since 1595. His clerical and literary labors were probably diverted in 1599 by the attack of the anonymous *Christian Letter*, lately attributed to Thomas Cartwright. There is a copy of the *Christian Letter* preserved in the Library of Corpus Christi College, Oxford, which has its margins

<sup>25</sup> William Covell, *Just and Temperate Defence of Hooker's Ecclesiastical Polity against the Attack of "A Letter of Certain English Protestants,"* London, 1603, p. 149. Compare *Works*, Vol. I, p. 93. A copy of Covell's work in the Harvard University Library has the following annotation: "Ad Autorem. Non eget Hookerus tanto tutamine; Tanto Tutus qui impugnat sed foret Auxilio. J. Donne."

<sup>26</sup> *Amenities of Literature*, ed. 1868, p. 445.

crowded full of annotations in Hooker's hand.<sup>27</sup> These notes reveal the fact that Hooker had been deeply stirred by the criticisms of the writer of the *Christian Letter*, of whose identity he was, however, unaware, and especially resented the insinuation that he was a secret favorer of Rome.

Hooker was probably engaged in rewriting the Sixth Book at the time of his death. The Sixth Book as published in 1648 may be regarded as the first part of the enlarged book; a second part which would have been largely a revision of the book as it had been completed in 1593 may never have been written.<sup>28</sup> The first part, however, which is a discussion of the doctrine and discipline of repentance from a Protestant point of view would seem to correspond with what was probably Hooker's frame of mind just before his death.<sup>29</sup> If the second part of the revised Sixth Book was not completed by Hooker, it would argue that the revisions of the Seventh and Eighth Books also had never been effected.

Besides his probable preoccupation with other things from 1597 to 1600, Hooker's revision of the last three books of the *Ecclesiastical Polity* may have been delayed by other considerations. I have referred above<sup>30</sup> to the way in which

<sup>27</sup> Ronald Bayne in his 1902 edition of the Fifth Book has reprinted the *Christian Letter* with Hooker's notes upon it. Bayne did not, however, print the notes from Hooker's original, but assembled them from their scattered places in Keble's edition, with some consequent dislocations.

<sup>28</sup> See above, p. 72.

<sup>29</sup> Although Hooker used the Catholic categories: contrition, confession, satisfaction, and absolution, there was nothing Roman in his doctrine. Thornton says, "Book VI . . . on Penance . . . makes confession voluntary and absolution simply declaratory of forgiveness already bestowed." *Richard Hooker*, p. 89. This is the Lutheran and Protestant view.

<sup>30</sup> See above, pp. 97-98.

Burghley might have regarded his discussion in the Eighth Book of the prerogatives of the Queen. Hooker's original draft of the Seventh Book also may have had the full approbation of Archbishop Whitgift, but it was probably incompatible with the new school of which Richard Bancroft, made Chaplain to the Archbishop in 1592 and Bishop of London in 1597, was the acknowledged leader. It will be observed that I suspect a lack of accord between Hooker and Bancroft which has not been emphasized by others;<sup>31</sup> I base my opinion wholly upon a comparison of their published views.

The doctrine of the divine right and apostolical succession of bishops, which Bancroft had proclaimed in 1589, was promptly supported by Hadrian Saravia, a native of Artois, who had received Presbyterian ordination on the Continent.<sup>32</sup> Saravia came to England in 1587, where he enjoyed conspicuous patronage; after 1595 he resided at Canterbury only four miles from Hooker at Bishopsbourne. Walton has asserted that he and Hooker became intimate friends, but Walton has not proved to be an infallible historian. There is no doubt, however, that Hooker did make use of Saravia's publications in his Fifth Book, but there is no evidence that Saravia ever won Hooker over to the theory of the apostolical succession. It is, in fact, doubtful whether Saravia himself ever submitted to episcopal ordination. Neither Saravia nor Bancroft, nevertheless, would have

<sup>31</sup> Compare *Works*, Vol. I, pp. lx-lxxxv. Keble errs greatly when he would illustrate Hooker's views by quoting Bancroft and Saravia. *Ibid.*, p. lxxv.

<sup>32</sup> "Saravia was born in Artois in 1531 of a Spanish father and Flemish mother, both protestants; he was trained in the ministry of the reformed church and became a pastor at Antwerp." Bayne, *The Ecclesiastical Polity: The Fifth Book*, p. xxx. Keble has pointed out that Saravia had anticipated Bancroft on the doctrine of the apostolical succession. *Works*, Vol. I, p. lxxiii, n. 49.



welcomed the forthcoming publication from such a potent pen as Hooker's of a book on the episcopacy in which the doctrine of the apostolical succession was either not held or held as only of possible truth. The essence of the High Church position as it has been viewed throughout this treatise consists in its insistence upon one and one only interpretation of the sanctions of the episcopacy; an open mind is equivalent to denial. Archbishop Whitgift, although he may have been slow to subscribe to the theory, did nothing apparently to oppose it; he even made Bancroft his chaplain in 1592. Pierce's statement that Whitgift "rather desired it were true than believed it so to be,"<sup>33</sup> may very well represent Whitgift's first reaction to the doctrine of the apostolical succession, but the Archbishop wrote to Beza in February, 1594, that "the Episcopal Degree . . . is an Institution Apostical and Divine."<sup>34</sup> It seems probable, accordingly, that Whitgift was receptive to the doctrine promulgated by Bancroft.

Hooker was, it is evident, writing upon subjects upon which there was a growing difference of opinion, and it is little to be wondered if he found it difficult to phrase his thought so as to be at once true to himself and to please those whom he was sincerely desirous of pleasing. The "finished Eighth Book" would have had to vary widely from Hooker's first drafts in order to win the approval of the autocratic Elizabeth or later of the divine right Stuarts. Hooker had set forth his general principles in the first four books, and thus had committed himself to theories of society and government which possibly were not acceptable to the new leaders in Church and State. If the extant Seventh Book in any way reflects attempts of Hooker to revise it, it

<sup>33</sup> Pierce, *Introduction to the Marprelate Tracts*, London, 1909, p. 173.

<sup>34</sup> Strype, *Whitgift*, p. 406.

— is a striking example of his intellectual inability to harmonize his own thought with that of the school of Bancroft.

From this apparent preoccupation with other labors and the difficulties of harmonizing his thought with the prevailing fashion of the day, I conclude that the last three books of the *Ecclesiastical Polity* remained unrevised.<sup>35</sup>

#### THE CHARGE OF VANDALISM

In 1603 William Covel had demanded, in effect, Where are the last three books of the *Ecclesiastical Polity*? The following year, 1604, a new edition of the first five books was issued with an address "To the Reader" by Dr. John Spenser, in which it was declared that the "perfect Copies" had been made away with and that there was nothing remaining but "certaine olde unperfected and mangled draughts, dismembered into pieces, and scattered."

Spenser's account should be carefully analysed, for it seems to have been the basis of the traditional view in regard to the fate of the posthumous books. He held to the theory that Hooker had revised or finished the last three books after 1593:

There is a purpose of setting forth the three last books also, their fathers *Posthumi* . . . For he lived till he sawe them perfected.<sup>36</sup>

His examination, however, of the manuscripts revealed nothing but the fragments he has described so vividly. His words were:

But some evill disposed mindes, whether of malice, or coveteousnesse, or wicked blind Zeale, it is uncerteine, as if they had beene Egyptian

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<sup>35</sup> The revision of the Sixth Book was begun but not completed. See above, p. 85; n. 5.

<sup>36</sup> Quoted from the edition of 1604. Keble reprints it, *Works*, Vol. I, pp. 121-123. Walton's version of 1666 shows some alterations of the rhetoric.

Mid-wives, as soone as they were borne, and their father dead, smothered them, and by conveying away the perfect Copies, left unto us nothing but certaine olde unperfect and mangled draughts, dismembered into peeces, and scattered like Medeas Absyrtus . . .

Spenser does not seem to have been aware of the identity of the alleged vandals, nor did he know what motive to attribute to them. He might, in fact, have misunderstood the words of William Covel, and have had in mind revised copies of 1600 which never existed.

Spenser's vague charges seem to have lain fallow for some years, but in 1662 John Gauden in his *Life of Hooker* gave voice to the opinion:

His last Three . . . if he did compleat them, they found (as is by some imagined) some Artifice so long to smother and conceal them from the Publique.<sup>37</sup>

Elsewhere he said, "The last three . . . have been . . . suppressed."<sup>38</sup> Gauden seems to have had the Puritans in mind. Bishop King, however, came forward in 1664 and admitted that the manuscripts had been for a time in his keeping, but he declared that they were "imperfect; for his Study had been rifled or worse used by Mr. Charke, and another of principles too like his."<sup>39</sup> Bishop King's Letter from which this quotation is taken was written to accompany Izaak Walton's *Life of Hooker*, and was published in the following year.<sup>40</sup>

<sup>37</sup> John Gauden, *The Life and Death of Mr. Richard Hooker*, in his 1662 edition of *Hooker's Works*, p. 23.

<sup>38</sup> *Works*, 1662, p. 26.

<sup>39</sup> It may be only a coincidence that one of Hooker's daughters married a Rev. Mr. Charke. In the 1666 edition the name of the culprit is given in Bishop King's Letter as "Mr. Clark." None of Hooker's daughters were married at the time of his death.

<sup>40</sup> Pages [ix-xvii] of the edition of 1665. Although published in the first edition of Walton's *Life of Hooker*, the Letter was, as King

King's Letter was, accordingly, written to confirm the account which Walton gave in the Appendix to his *Life of Hooker* of the fate of the last three books of the *Ecclesiastical Polity*. Walton's account, in turn, was obviously an elaboration of John Spenser's charges of 1604. Walton acknowledged his indebtedness to Spenser:

This Epistle of Doctor *Spencers* was writ, and first Printed within four years after the death of Mr. *Hooker*, in which time, all diligent search had been made for the perfect Copies; and then granted not recoverable, and therefore indeavoured to be compleated out of Mr. *Hookers* rough draughts, as is exprest by the said Doctor *Spencer*.<sup>41</sup>

Walton claimed, however, to have additional authority than that provided by Spenser for the following highly circumstantial tale:

I have been told almost forty years past, by one that very well knew Mr. *Hooker*, and the affaires of his Family, that about a moneth after the death of Mr. *Hooker*, Bishop *Whitgift*, then Archbishop of *Canterbury*, sent one of his Chaplains to enquire of Mrs. *Hooker*, for the three remaining Books of *Polity*, writ by her Husband; of which, she would not, or could not give any account; and I have been told that about three moneths after the Bishop procured her to be sent for to *London*, and then by his procurement she was to be examined, by some of her Majesties Council, concerning the disposal of those Books: but by way of preparation for the next days examination, the Bishop invited her to *Lambeth*, and, after some friendly questions, she confessed to him, *that one Mr. Charke and another*

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says, written after he had read both Walton's *Life* and the Appendix to Walton's *Life*. The imprimatur of the volume is dated Oct. 29, 1664, and the Letter, Nov. 13, 1664. The title-page is dated 1665, and, accordingly, was printed after March 25 following. Taking cognizance, apparently, of the Letter, the Errata recommends the insertion in the Appendix to the *Life* of the phrase "or the Bishop of London," a reading adopted in all subsequent editions.

<sup>41</sup> *Works*, 1666, p. 28.



*Minister that dwell near Canterbury, came to her, and desired that they might go into her Husbands Study, and look upon some of his Writings; and that there they two burnt and tore many of them, assuring her that they were writings not fit to be seen, and that she knew nothing more concerning them.* Her lodging was then in Kingstreet in Westminster, where she was found next morning dead in her Bed, and her new Husband suspected and questioned for it; but was declared innocent of her Death.<sup>42</sup>

Walton does not name his informant of forty years past, and it would be idle to hazard a guess;<sup>43</sup> his failure, moreover, to give his authority for his statements leaves the accuracy of his account the more open to dispute. This tale of Walton's has frequently been challenged by critics simply on the face of it: I propose, in addition, to point out several discrepancies in the chronology of the account. These discrepancies concern the date and place of Mrs. Hooker's death, and the place of her burial. If Walton's account be true, Mrs. Hooker died in the latter part of February or early March, 1601, and in London. Walton's words were: "If there had been but four months betwixt Mr. *Hookers* and her death."<sup>44</sup> Hooker had died November 2, 1600. Walton's words would seem to suggest March 2, 1601, or a slightly earlier date for Mrs. Hooker's death. Mrs. Hooker can, however, be absolutely proved to have been alive on the following 23rd of September. On March 23, 1601, Joan Hooker of Bishopsbourne, widow, married Edward Nethersole of Canterbury, Gentleman. I have seen the record of the ceremony in the registers of the Bishopsbourne Church and also the marriage licence dated March 18, 1601. That Mrs. Hooker-Nethersole survived her second marriage at least six months is evident from a record of an action brought

<sup>42</sup> *Works*, Vol. I, p. 91. Edition of 1666, p. 28.

<sup>43</sup> See above, p. 14.

<sup>44</sup> *Works*, 1666, p. 28.

September 23, 1601, by Joan Hooker, "or Nethersole, executrix of the last will and testament of Richard Hooker, clerk, formerly rector of Bishopsbourne, deceased," in the Archdeacon's Court against John Harsfield, of the same parish, for unpaid tithe.<sup>45</sup>

This evidence convicts Walton of a discrepancy of at least six months in the date of Mrs. Hooker's death. It is probable, moreover, that Mrs. Hooker-Nethersole lived on until February 18, 1603, under which date occurs a record of a burial at Canterbury of "Joan Nethersole, wyf of Edward, Alderman, from Saynet Myldrads." These facts prove that Walton dated the alleged examination and death of Mrs. Hooker two years too early. The record of her burial at Canterbury, also, would indicate that Mrs. Hooker had died in Canterbury instead of in London.

- The above considerations discredit Walton's tale of Mrs. Hooker's examination and confession, and make the account of the destruction of Hooker's manuscripts most improbable. If, moreover, the revision of the last three books had never been effected by Hooker, there would have been no perfected copies of 1600 to be destroyed by malicious persons.<sup>46</sup>

#### THE STATE OF THE MANUSCRIPTS IN 1604

From Spenser's description in 1604 of the manuscripts of the last three books of the *Ecclesiastical Polity* it would appear that they were in a disordered state but not so chaotic as to make the publication of them impracticable; Spenser announced: "There is a purpose of setting forth the three last books also, their fathers *Posihumi*."<sup>47</sup> It is probable that Spenser exaggerated the disorder in which he found the

<sup>45</sup> Arthur Hussey, *Notes and Queries*, 1901, Ninth Series, Vol. VIII, pp. 522-523.

<sup>46</sup> See below, p. 112.

<sup>47</sup> Compare p. 104 above.

manuscripts; he had expected to find copies carefully revised and prepared for the press, but what he actually found were most likely Hooker's drafts made prior to 1593.<sup>48</sup> They had, moreover, probably been frequently consulted by Hooker himself during the years from 1593 to 1600. A certain dislocation of the sheets of the manuscripts might well have resulted from such handling. Hooker had, also, their revision in mind, and might have made tentative beginnings to rewrite them. He might have inserted various notes and removed pages for special study. The condition in which Spenser found the manuscripts of the last three books and the nature of the extant books today may be accounted for without resort to any theory of violence; Hooker's own manipulation of their pages affords sufficient explanation.

#### ANDREWES' COPY OF 1606

Bishop Andrewes' copy of the Eighth Book was in existence in 1648.<sup>49</sup> He died in 1626. He probably acquired his copy at least as early as 1606. The evidence is herewith submitted which shows that Andrewes quoted at length from the Eighth Book in a sermon he delivered in 1606, without, however, mention of the *Ecclesiastical Polity* or acknowledgment of his indebtedness to Hooker. This sermon was printed in 1606; the title follows:

A Sermon preached before the Kings Maiestie, at Hampton Court, Concerning the Right and Power of Calling Assemblies, On Sunday the 28. of September, Anno 1606. By the Bishop of Chichester. Imprinted at London by Robert Barker, Printer to the Kings most Excellent Maiestie. 1606.

The subject of the sermon is the same as that of Chapter V of the Eighth Book of the *Ecclesiastical Polity*. Passages in this sermon are paralleled in Chapters I, V, VI, and VIII

<sup>48</sup> See below, p. 112.

<sup>49</sup> See below, p. 134.

of the Eighth Book. Chapters VII and IX apparently are not represented. The following examples may suffice to indicate the nature of the quotations:

QUEEN'S COLLEGE MS<sup>50</sup>

[Q 65] A tyme there was, when Kings were nott capeable of anie such power, as namely when they profest themselves open Adversaries unto Christ, and Christianitie: A tyme there followed, when they being capeable tooke . . .

[Q 52] Nero . . . That he challenged not any interest of giving voyce in the lawes of the Church, I hope no man will soe construe, as if the cawse were Conscience, and feare to encroach upon the Apostles right.

[Q 56] All must com by devolution att length, even as the Familie of Browne would have ytt, unto the godlie amongst the People. For confusion unto the wise, and to the great, the poore, and the simple, som knipperdoling, with his Retinue must take the worke of the Lord in hand, and the makeing of Church Lawes must prove to bee theire Right in the end: If nott for the love of truth, yett for very shame of so grosse absurdities, lett these contentions, and shifting fancies bee abandoned.

ANDREWES' SERMON

[A 33] A time there was (you know) after Christ, when they were Infidels; Kings and Kingdoms both.

A time there followed, when Kings received Religion . . . received . . .

[A 46] Pharao would not offer to doe it:

Not for any conscience (I trust) or feare to encroach upon the Churches right.

[A 54] The godly among the people might doe it for themselves for confusion to the wise and mightie; the poore and simple must take this worke in hand, and the making of church laws and orders must prove to be their right in the end: and so come by devolution to Demetrius and the craftsmen. Now, if not for love of the truth; yet, for very shame of these shifting absurdities: let these fantasies bee abandoned.

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<sup>50</sup> The corresponding page numbers in the edition of 1888, Vol. III, are 439, 411, and 416; and in the Dublin MS, 143v, 113, and 103v. See below, pp. 273, 244, and 249.



Unless there was a common source the conclusion is irresistible that Andrewes was acquainted with the extant Eighth Book of the *Ecclesiastical Polity*. It would accordingly appear that there were two copies of the Eighth Book in 1606: the copy which Andrewes quoted in 1606 and the copy which was included in Spenser's collection which he mentioned in 1604. It might have been possible, of course, for Andrewes to have used Spenser's manuscripts in 1606, but the evidence of 1648 that Andrewes had a copy of his own makes it probable that he had that copy in 1606.

A letter was printed with Hooker's *Works* in 1793 which indicates that "L. Andrewes" requested a friend to go to Bishopsbourne to provide for the safety of the "three last books" of the *Ecclesiastical Polity*.<sup>51</sup> This letter was dated November 7, 1600; Hooker had died just five days before. Andrewes might have secured his copy of the Eighth Book through the agency of this friend. The letter was published in 1793 as "A Letter from Bishop Andrewes to Dr. Parry, concerning Mr. Hooker's Death."<sup>52</sup> The Bodleian catalogue adds the following details:

Originally headed by Blackbourne (the owner of the Commonplace-book in which it appears) as being a letter to "Dr. Raynoldes," but he has substituted the name of Parry. At the foot is the following note, which has not hitherto been printed: "Amisimus insigne ornamentum Ecclesiae & Collegii nostri, virum insigniter eruditum: sed Deus numerabit dies nostros. Dr. Raynoldes."

The letter in the Bodleian is, however, a copy; it shows the handwriting neither of Andrewes nor, presumably, of Raynolds. Henry Parry would probably have been at

<sup>51</sup> Reprinted, *Works*, Vol. I, p. 91, n. 1.

<sup>52</sup> Andrewes was not a bishop until 1605; he had been Master of Pembroke Hall, Cambridge; he had also served as Chaplain to Archbishop Whitgift and to the Queen.

Chevering and Sundridge in Kent in 1600;<sup>53</sup> Raynolds, as President of Corpus Christi College,<sup>54</sup> would have been at Oxford farther removed from Bishopsbourne.

This letter of Andrewes, if it be genuine, suggests some curious considerations. Dr. Parry might, in that case, have been the man of alleged Puritan sympathies who is said to have gone with Mr. Charke to Hooker's study and made away with the perfect copies of the last three books. These perfect copies would not have been revisions completed after 1593, but would have been the clerks' copies of 1593. The evidence which is afforded by the collation of Andrewes' sermon of 1606 indicates that he used a manuscript which varied but slightly from the Bodleian and Queen's College manuscripts of the Eighth Book; this manuscript might have been the direct original of both the Bodleian and Queen's copies. Andrewes' copies, according to this theory, would have been known as the "perfect copies" and the manuscripts which Spenser held in 1604 and 1611 would have been known as Hooker's rough drafts. Spenser, however, would not have been aware that Andrewes had secured these copies, the fate of which was a mystery to him. A germ for Walton's tale, after all, might have existed in fact; Mrs. Hooker may have reported that Mr. Charke and another had invaded Hooker's study with apparent ruthlessness. But Andrewes' agents were not necessarily Puritans!

Another interesting observation is derived from a perusal of the contents of Andrewes' letter. He professed to be concerned that "the three last books come not into greate hands, whoe will only have use of them *quatenus et quousque*, & suppress the rest, or unhappily all." Andrewes' words were in part:

<sup>53</sup> For Parry, see *D. N. B.*

<sup>54</sup> Elected Dec. 11, 1598.

Good Brother have a care to deal with his Executrix or Executor, or (him that is like to have a great stroke in it) his father in lawe that there be speciall care & regard for preserving such papers as he left, besides the three last books expected. By preserving I meane, that not only they be not embezelled, & come to nothing, but that they come not into greate hands, whoe will only have use of them *quatenus et quousque*, & suppress the rest, or unhappily all: but rather into the hands of some of them that unfeinedly wish'd him well, though of the meaner sort . . .

The irony of the situation is just this, that Andrewes himself in 1606 quoted the parts of the Eighth Book which fitted his immediate purpose without giving Hooker credit or publishing the whole.

#### THE COPY JACKSON MADE IN 1612

Another copy of the Eighth Book was made by Henry Jackson in 1612. The materials for his copy were the manuscripts which John Spenser had described in 1604. These manuscripts may have been in part or wholly in Hooker's hand. No manuscripts of the posthumous books in Hooker's hand are known to be extant. Bishop Gauden published the Seventh Book in 1662 from a manuscript which he declared to be Hooker's autograph.<sup>55</sup>

The manuscript which Jackson made does not seem to be extant, for none of the known manuscripts of the Eighth Book is in his hand. The Dublin manuscript probably is a copy of Jackson's manuscript, but when it was copied and what became of its original are unknown. If the Dublin manuscript does represent Jackson's work, Jackson may be given the credit for the insertion into the manuscript of a few notes which break the continuity of the text; these notes, however, may have been in Hooker's hand. Jackson also may be given credit for the order of the sections and paragraphs in

<sup>55</sup> *Works*, 1662, p. 26.

some cases where the Dublin manuscript varies from the other manuscripts of the Eighth Book.<sup>56</sup> Jackson published a number of Hooker's treatises and sermons in 1612 and subsequently,<sup>57</sup> but his copy of the Eighth Book was not published. Jackson suspected that Spenser, who had apparently changed his mind about publishing the Eighth Book, intended to publish it under his own name.<sup>58</sup> Spenser died in 1614, and Hooker's manuscripts passed into the keeping of the Bishop of London, Dr. John King.

The foregoing historical references to the last three books: that is, Hooker's several descriptions in the Preface to the edition of 1593, his submission of his manuscripts to Burghley, his advertisement in the edition of 1593, the query of William Covel in 1603, the suspicions of Spenser in 1604, the quotations from the Eighth Book by Andrewes in 1606, and the new copy made by Jackson in 1612, serve in a measure to trace the course of the Eighth Book from 1593 to 1612. There were probably two copies of each of the last three books in 1593: Hooker's first drafts and the clerks' copies prepared for the use of the printer. It has been cogently argued by the editors of the edition of 1888<sup>59</sup> that

<sup>56</sup> See below, p. 136.

<sup>57</sup> *Works*, Vol. I, pp. xxxi-xxxii, lii-lvi.

<sup>58</sup> In his *Notitia Oxoniensis Academiae* William Fulman copied extracts from three letters of Henry Jackson which refer to the Eighth Book. They follow: "Si totus non essem in poliendo libro Octavo D. Richardi Hookeri de Ecclesiastica Politia, quem Praeses Collegii nostri mihi commendavit," and "Iam ceupatus sum in conficiendo D. Hookeri Libro 8. de Ecclesiastica Politia, qui est de Regis Dominio," and "Puto Praesidem nostrum emissurum sub suo nomine D. Hookeri librum octavum, a me plane vitae restitutum . . . Tulit alter honores." Fulman's collections are preserved in manuscript in the Library of Corpus Christi College, Oxford. These citations are in Vol. X, pp. 86 recto and 86 verso. The letters are all dated 1612; the second is marked "Sept.," and the third, "D. Tho festo" [Dec. 21].

<sup>59</sup> *Works*, Vol. II, p. vi.



when Hooker sent the clerk's copy of the Fifth Book to the printer in 1597 he retained his own manuscript from which he was able to supply a sheet which had become lost during the setting up of the type. It is not improbable, also, that Hooker retained his autographs when sending his clerks' copies to the printer and to Lord Burghley in 1593. The "perfect copies" sought by Covel in 1603 and missed by Spenser in 1604 may have been the copies prepared for the press in 1593. Andrewes may have secured such a perfect copy of the Eighth Book.

A copy of the Eighth Book was in the hands of Bishop Andrewes in 1606 or earlier. Spenser held from 1604 to 1611 what were probably Hooker's first drafts of the last three books, and from which Jackson in 1612 made a special copy of the Eighth Book for the press. In 1612 there were at least three copies of the Eighth Book: Andrewes' manuscript, Spenser's rough drafts, and Jackson's fair copy. None of these copies, apparently, have survived, but the extant manuscripts and editions of the Eighth Book may be held to represent them. The Dublin manuscript is probably a copy of Jackson's manuscript, and the others are copies of Andrewes' manuscript. These conjectures are based in part upon the results of collations of the extant manuscripts and editions.

The Dublin manuscript had a separate existence from that of Andrewes' manuscript and the copies of the latter from the year 1612 down to the present, and, consequently, any corruption of the manuscripts of the Eighth Book would have had to occur at least as early as 1612, else it would show in the extant manuscripts. After the outbreak of the Civil Wars in 1640 the number, though possibly no more than half a dozen, of manuscript copies would have made effective corruption impossible. These considerations make for the integrity of the manuscripts of the Eighth Book.

## VIII

### THE EDITIONS OF THE EIGHTH BOOK

The history of the Eighth Book after 1612 may best be traced by a study of its extant manuscripts and editions. The results of such studies confirm the impression of the authenticity and trustworthiness of the Eighth Book.

- The manner of the publication of the Eighth Book of the — *Ecclesiastical Polity* served to discredit the authenticity of the book. The editions of 1648 and 1662 were both incomplete, and were known to be such at the time of their publication. The manuscripts extant in 1648<sup>1</sup> and the *Clavi Tra-*  
bales of 1661<sup>2</sup> afforded evidence to all who were acquainted with them that the seventeenth century editions of the — Eighth Book were imperfect. The publication in 1836, however, of the more complete Dublin manuscript restored partial confidence in the authenticity of the Eighth Book.

#### THE EDITION OF 1648

The title-page of one of the issues of the 1648 edition of the Sixth and Eighth Books runs: "*Of the Lawes of Ecclesiasticall Politie; The Sixth and Eighth Books.* By Richard Hooker. A work long expected, and now published according to the most Authentique Copies. London. Printed by Richard Bishop, and are to be sold by John Crook, 1648." George Thomason had a copy of this issue which he had dated June 17.<sup>3</sup> It was apparently the first issue of the

<sup>1</sup> See below, p. 134.

<sup>2</sup> See below, p. 122.

<sup>3</sup> *Thomason Tracts*, London, 1908, Vol. I, p. 635. Thomason's copy, however, was included in the volumes which were missing when his collection was deposited in the British Museum in 1762. Vol. I, pp. xix-xx.

edition. There were two other issues of this edition in the year 1648 and one in the year 1651, each with its own title-page and address to the reader. The editors of Hooker's *Works*, including Church and Paget in 1888, made the mistake of regarding the issue of 1651 as a new edition; my collations, however, have demonstrated that the text issued in 1651 was not only of the printing of 1648 but that it was printed before the several issues of 1648. The presses seem to have been stopped during the printing for the purpose of making several small corrections; the imperfect copies were then laid aside until issued in 1651. My evidence for these statements, though curious, may be dispensed with here.

The 1648 edition of the Eighth Book was probably called forth by the political exigencies of the times. The year 1648 was a critical one for the dynasty of the Stuarts; eleventh-hour attempts were being made to rally support for King Charles. Among the efforts to reconcile the King and people this publication of the Eighth Book may have been a hopeful offering. The Eighth Book seems to have been quoted to Charles I by Lord Say when the Parliamentary Commissioners treated with his Majesty in the Isle of Wight.<sup>4</sup> England was already, at least theoretically, a limited and constitutional monarchy, as Hooker had clearly recognized. It may have been thought that it would not be amiss to point out to the King and Parliament and Cromwell's army that a return should be made to the legal method of conducting governmental affairs. The publication of the Eighth Book in 1648, accordingly, may have been part of a campaign to win the King back to a more moderate view of the royal prerogatives and the people to a reasonable allegiance to the King. Had Charles I consented in 1648 to resign some

<sup>4</sup> See Walton, *Works*, 1666, p. 30; Dugdale, *A Short View of the Late Troubles in England*, London, 1681, p. 39; and Wood, *Athenae Oxonienses*, London, 1813, Vol. III, p. 348.



of his arbitrary pretensions, there might have been a reconciliation between him and Parliament.

The Eighth Book may have been thought opportune in view of the efforts for alliance made by the Royalists and the Presbyterian Parliament in order to support Charles I against the Independent army, but neither the original Sixth Book against the Presbyterian lay elder nor the Seventh Book on episcopacy would have contributed to the fusion of Presbyterians and Royalists. The Sixth Book as actually published in 1648 was only the first part of the projected revision of the book.<sup>5</sup>

Archbishop Ussher may have been responsible for this publication. His *Reduction of Episcopacie unto the form of Synodical Government in the Ancient Church*,<sup>6</sup> which is said to have been acceptable to the Puritan leaders in 1641 and also to Charles I in 1648,<sup>7</sup> indicates that Ussher may have been urging compromise.

It is also probable that materials for this edition were furnished by Ussher to Richard Bishop who had printed a 1639 edition of Hooker's *Works*. Ussher had secured a number of Hooker's manuscripts apparently from the library of Lancelot Andrewes who had died in 1626.<sup>8</sup> Four of these writings have survived, and copies of them, all in the same hand and on paper bearing Ussher's watermark, are in the Library of Trinity College, Dublin.<sup>9</sup> One of these copies<sup>10</sup> has been dated 1636 by the Royal Commission on Historical Manu-

<sup>5</sup> See above, p. 72. A second part which would have dealt more specifically with lay elders was probably never completed.

<sup>6</sup> Published without his consent in 1641 and 1642. A more correct edition from Ussher's autograph was printed after his death in 1656.

<sup>7</sup> *D. N. B.*, article "James Ussher."

<sup>8</sup> See *Works*, Vol. I, pp. 1, liv, for Andrewes' supply of Hooker's MSS.

<sup>9</sup> *Works*, Vol. I, pp. liii-liv, and Vol. III, p. 460, n. 13.

<sup>10</sup> Catalogued as MS D. 3. 3. See *Works*, Vol. III, p. 326.



scripts;<sup>11</sup> it was published by Ussher in 1641.<sup>12</sup> Another of these copies is the Sixth Book;<sup>13</sup> it was probably copied from the original manuscript under Ussher's direction and afterwards corrected for the press in Ussher's own hand. Although it corresponds very closely with the edition of 1648, my studies of it have not been sufficiently minute to determine whether it or its original was used for that edition.

The edition of 1648 may be tentatively attributed to Ussher. The address "To the Reader," however, was probably composed by the printer:

Here is presented unto thee, Two of the Three so long expected and much desired Books of Learned Mr. *Hookers* Ecclesiastical Policy; viz. the Sixth and the Eighth, as they were preserved in the hands of those Mirrours of Learning, Dr. *Andrewes* late Lord Bishop of *Winchester*, and the present Dr. *Usher* Lord Archbishop of *Armagh*, with great hopes the Seventh would have been recovered . . .

As has been pointed out by Keble,<sup>14</sup> Ussher may hardly be held responsible for the characterization of himself as a mirror of learning. This consideration, however, does not eliminate Ussher as the source of the manuscripts which Richard Bishop used for the edition of 1648; printers were not infrequently permitted to compose prefatory notes and running titles.

#### THE MUSEUM MANUSCRIPT

The edition of 1648 of the Eighth Book is shorter than any of the extant manuscripts. There is, however, a manuscript in the British Museum, not noticed by any of Hooker's editors or biographers, which seems to have been the original

<sup>11</sup> See the *Report* of the Commission printed in 1874, p. 594.

<sup>12</sup> *Works*, Vol. III, pp. 460-465.

<sup>13</sup> *Works*, Vol. I, p. xxxiv.

<sup>14</sup> *Works*, Vol. I, p. 1.

for that edition. In this manuscript the material published in 1648 is in the hand of one scribe, while the remainder is in another hand. The change of hand occurs on page 99, line 8. At this point the edition of 1648 concludes, "give judgement." I have named this first section Part I. Part II continues in the manuscript in another hand, but without other break, not even of a paragraph. This second part was copied from the Lambeth manuscript of the Eighth Book; the first part had another source. Whether, however, the second part had been copied in the Museum manuscript before or after 1648 is not apparent. The change of hand might have been thought sufficient justification for printing only the first part in 1648. The publisher of the edition of 1648 could hardly, moreover, have been ignorant of the second part, for he stated in his prefatory notes that six copies had been compared before publication; it would be entirely contrary to the evidence in hand to suppose that none of these six copies had the second part which the 1648 edition failed to print. The Dublin manuscript, in fact, seems to have been used to correct the text of the edition of 1648, while the Lambeth manuscript possibly was used to correct the marginal notes.<sup>15</sup>

The publisher of the edition of 1648 probably had such corrections in mind when he enumerated "The severall Copies compared before Publication."<sup>16</sup> That the Dublin and Lambeth manuscripts were at some time associated may be thought probable also from references in the Lambeth manuscript to the corresponding pages in the Dublin manuscript; viz., on pages 59, 61, and 64 of the Lambeth manu-

<sup>15</sup> There are, however, two readings on page 54 of Andrewes' Sermon which are reflected in none of the manuscripts and editions of the Eighth Book except the edition of 1648; from which fact it would appear probable that Andrewes' manuscript of the Eighth Book may have been used to correct the edition of 1648.

<sup>16</sup> See below, p. 134.

script where in ink of a blacker shade occur the page numbers of the Dublin manuscript: "fol. 92," "fol. 96," and "fol. 101."

It might have been thought, also, that the first part was more moderate in its statements, and, accordingly, more acceptable to the public, than were the parts left unpublished.

#### THE EDITION OF 1661-1662

A new edition of Hooker's *Works* was planned in 1661 in which the Sixth and Eighth Books of 1648 were to be included. This edition, as originally made up in 1661, simply reprinted the edition of 1648 along with the first five books of the *Ecclesiastical Polity* and the other treatises. Someone probably then pointed out to the printer that the Eighth Book was incomplete. Whereupon, manuscripts of the Seventh and Eighth Books were secured, and the Seventh Book and the second part of the Eighth Book were printed and inserted into the volume.<sup>17</sup>

John Gauden, Bishop of Exeter, composed the title-page, the dedication to Charles II, and the Life of Hooker. Gauden acknowledged the aid or instrumentality of Gilbert Sheldon, Bishop of London, in the recovery of the manuscript of the Seventh Book, which Gauden described as Hooker's autograph.<sup>18</sup>

Book VI and the first part of Book VIII were reprinted from the edition of 1648. The second part of the Eighth Book was printed from a manuscript not now extant. Gauden said that this lost manuscript of the Eighth Book had

<sup>17</sup> The frontispiece of this edition is dated 1661, Gauden's Epistle to the King, 1 January 1661 [i.e., 1661-1662], and the title-page with its colophon, 1662, which would make the date of the final printing subsequent to March 25, 1662. Gauden's Epistle to the King takes cognizance of the insertion of the Seventh Book into the edition, and serves to date the original makeup of the volume as prior to January 1, 1661-1662.

<sup>18</sup> *Works*, 1662, p. 26. See above, pp. p. 76.

been corrected by Hooker's own hand.<sup>19</sup> Of the extant manuscripts the Lambeth copy most nearly corresponds with the second part of Book VIII of the edition of 1662.

Gauden did not long survive his edition of Hooker's *Works*.<sup>20</sup> His life of Hooker which he had prefixed to that edition was promptly replaced in the edition of 1666 by the superior Life by Izaak Walton, and Gauden's edition of 1662 was otherwise discredited in Walton's 1665 account of Hooker's posthumous books. Gauden had been a Low Church bishop; he had retained his clerical offices during the Civil Wars and the Commonwealth, and had found favor with the Presbyterian rulers of those days. He had also claimed authorship of the *Eikon Basilike*, the posthumously published King's Book which purported to be the autobiographic defence of Charles I.<sup>21</sup>

- Gauden had probably welcomed the witness of the Seventh Book because of its moderate positions on the question of the offices of the ministry. But the Restoration Church was in no mood for moderate preachments; the reaction had already set in.

#### CLAVI TRABALES OF 1661

The standing of the edition of 1662 was impaired even before it had issued from the press. In 1661 Nicholas Bernard<sup>22</sup> had published *Clavi Trabales; or, Nailes Fastned by some Great Masters of Assemblyes: Confirming the Kings*

<sup>19</sup> The manuscript Gauden described would have been *P*<sup>2</sup>, but my collations of the extant manuscripts and editions of the Eighth Book have convinced me that the manuscript actually used by the printer of the edition of 1662 was *W*, a copy of *P*<sup>2</sup>. For explanation of the symbols, *P*<sup>2</sup> and *W*, see below, pp. 140-143.

<sup>20</sup> Gauden died Sept. 20, 1662. Henry Jackson died the same year, June 4, 1662.

<sup>21</sup> First edition early in 1649 [1648].

<sup>22</sup> Bernard died shortly after, viz., October 15, 1661.



*Supremacy. The Subjects Duty. Church Government by Bishops* . . . London, 1661.<sup>23</sup> *Clavi Trabales* was a compilation which consisted principally of manuscripts which Bernard had found in the late Archbishop Ussher's library. *Clavi Trabales* virtually constitutes another edition of parts — of the Eighth Book. It included extracts from the Eighth Book of the *Ecclesiastical Polity*, which showed that not only was the edition of 1648 incomplete but that the edition of 1662, despite its addition of a continuation, was also incomplete. It may have been the evidence of *Clavi Trabales* — which occasioned the recall of the edition of 1661<sup>24</sup> and the incorporation into it of the second part of the Eighth Book and the Seventh Book.<sup>25</sup> The manuscript of the Eighth Book secured for the enlargement of the edition of 1661 did not, however, meet the requirements of *Clavi Trabales*. The manuscript copies of the Eighth Book which now repose in the Bodleian, at Cambridge, Lambeth, the British Museum, and Queen's College, Oxford, were also perceived to be incomplete.

A more complete manuscript of the Eighth Book was discovered at a much later date in the Library of Trinity College, Dublin. This manuscript, used by John Keble as the — basis of his edition of 1836, contains all the material which *Clavi Trabales* had shown to be missing from all other known manuscripts and editions of the Eighth Book.

Although Walton used *Clavi Trabales* to discredit Gauden's edition of the last three books of the *Ecclesiastical Polity*, he was in complete ignorance of the nature and significance of

<sup>23</sup> For an enumeration of the contents of *Clavi Trabales*, see *Works*, Vol. I, p. 95, n. 2.

<sup>24</sup> See above, p. 121.

<sup>25</sup> Bernard's mention of "the copies now printed" may have referred either to the original edition of 1661 or to the edition of 1648. *Clavi Trabales*, pp. 73, 86.

the extracts published in *Clavi Trabales*;<sup>26</sup> he thought they represented all three of the posthumous books, and thereupon concluded that all three were defective. The selections were, however, all from the Eighth Book. He erred also in quoting Fabian Phillips who had confused Dr. Sanderson's identification of Ussher's hand in the annotations on the manuscript original<sup>27</sup> of *Clavi Trabales* with the name of Hooker. Such was the scholarship which has formed the general opinion of the untrustworthiness of the last three books of the *Ecclesiastical Polity*.

#### THE DUBLIN MANUSCRIPT<sup>28</sup>

- With the edition of 1836 the scattered members of the Eighth Book were reassembled once more; Chapters VII and IX, which had been missing previously, were restored to their places; and aside from some minor imperfections the book may now be regarded as complete.

This new material supplied by the Dublin manuscript is well authenticated. Much of it was published in *Clavi Trabales* in 1661; and all of it is called for in the internal outline of the Eighth Book which is preserved in all manuscripts and editions of the Eighth Book.<sup>29</sup> James Ussher studied the relation of the material of Chapters VII and IX to the internal outline of the Eighth Book, and apparently judged it

<sup>26</sup> See the Appendix to Walton's *Life of Hooker*, *Works*, 1666, pp. 27-30.

<sup>27</sup> See below, p. 128.

<sup>28</sup> The Dublin manuscript of the Eighth Book (C. 3. 11) is a quarto of 333 pages, nine of which are blank, viz: 73v, 76v, 95v, 108v, 129v, 132v, 150, 150v, and 153v. Notes and references are in the side margin. It was written in a late Secretary hand probably between 1612 and 1648. The watermark and the hand are unlike those of the other Hooker MSS in the Library of Trinity College.

<sup>29</sup> See above, p. 84, and below, p. 125.

authentic. Ussher's copy of this internal outline of the Eighth Book is appended:<sup>30</sup>

*Of Kings and their power Ecclesiasticall generally*

- I. An admonition concerning mens judgements about the question of Regall power.
- II. What their power of Dominion is.
- III. By what 1. right, after what 2. sort, in what 3. measure, with what 4. conveniency, and according to what 5. example, Christian Kings may have it. In a word, their maner of holding Dominion.

*Of the Kings of England particularly*

- IV. Of the title of *Headship*, which we give to the Kings of England in relation unto the Church.
- V. Of their prerogative to call generall assemblies about the affaires of the Church.
- VI. Of their power in making Ecclesiasticall lawes.
- VII. Of their power in making Ecclesiasticall Governours (the chiefe ministers of Ecclesiasticall jurisdiction).
- VIII. Of their power in judgement Ecclesiasticall.
- IX. Of their exemption from judicall kinds of punishment by the Clergie. Censures Ecclesiasticall.

The system of numbering the chapter divisions and the subdivisions of Chapter III was Ussher's own contribution. The Dublin manuscript does not number the chapters and divisions. The other manuscripts, however, the copy in Gonville and Caius College, the Lambeth,<sup>31</sup> Museum, and Queen's copies, and also the edition of 1648, have used a different system of enumeration from that of Ussher. Keble adopted Ussher's system of chapter divisions for the edition of 1836. In order to avoid confusion I retain the same terminology.

<sup>30</sup> Compare p. 84 above, and *Works*, Vol. III, p. 326.

<sup>31</sup> See above, p. 84.

With Ussher's outline of the Eighth Book may be compared his analysis of Chapter IX. It follows:

*(For exemption of the supreme magistrates from any superiour power.) Vid. IX, infra*

1. Naturall reason to prove it.
2. By the very originall of kingdomes, it doth appear.
3. The practise of the Jewes confirmeth the same.
4. Herewith the judgement of the Civill law doth also concur.
5. We confesse it by terming Kings supreme governours.
6. The first foundation of our Commonwealth and the course of our lawe sithence maketh also for the same opinion.
7. If that which the Church of Rome doth teach concerning the Popes universall supremacie were a truth: their conclusion touching his exemption from punishment or judgement of man were most reasonable. And therefore that which they say of the Pope, professing him the highest under God, we must of necessitie graunt unto Kings; whom we affirme to be in their own dominions the same which they say the Pope universally is.

The reference "Vid. IX, infra" is to the outline of the Eighth Book which immediately follows this analysis of the ninth chapter in Ussher's manuscript. Both of these documents are in Ussher's handwriting.<sup>32</sup>

Ussher has divided the chapter into seven heads, but a more careful analysis reveals the fact that Hooker's own outline of the ninth chapter was in two parts. The loss of material from the chapter makes it impossible to recover all of Hooker's subdivisions of the two parts. The following arrangement, however, suggests the probable nature of the outline:

- I. "Inducements leading men to think the highest magistrate should not be judged of any, saving God alone"
  1. Natural reason to prove it

<sup>32</sup> Ussher's outlines and analyses are in *Usserii Miscellanea* (MS D. 3. 3) in the Library of Trinity College, Dublin.



2. The very original of kingdoms  
etc. etc.

II. "Their several inventions or ways, who judge it a thing necessary, even for kings themselves, to be punishable, and that by men"

1. Such opinions quoted
2. Discussion thereof

Concluding paragraph

Ussher ignored this twofold division of the chapter, and simply selected seven points made in the course of Hooker's argument. His first two coincide with Hooker's first two subdivisions of the first part. His third is from page 447; his fourth from pages 448-449. His fifth, sixth, and seventh were probably all derived from the concluding paragraph of the chapter, pages 454-455.<sup>33</sup> Ussher would seem, accordingly, to have used Chapter IX in its present imperfect state; otherwise he would probably have made a more accurate outline of it. All of Chapter VII and the beginning of Chapter IX were printed in *Clavi Trabales*.

The manuscript, now lost, which was used for *Clavi Trabales* in 1661, had probably been copied out of the Dublin manuscript or its original under Ussher's direction when he was studying the relation of the Dublin manuscript to the other manuscripts of the Eighth Book. This manuscript, which I have named *S*, had been found among Ussher's papers after his death in 1656 by Nicholas Bernard, who had previously been Ussher's chaplain.<sup>34</sup> It consisted of a number of extracts from the Eighth Book made probably in order to show the incompleteness of the Museum manuscript as originally copied, or of the edition of 1648 if that edition had

<sup>33</sup> The page numbers refer to the edition of 1888. For corresponding pages in the Dublin MS, see below, pp. 283, 285, 290-291.

<sup>34</sup> *Clavi Trabales*, p. 49. For Bernard, see *D. N. B.*

already been printed; it showed also the unique material in the Dublin manuscript. It is only a conjecture that Ussher may have been responsible for the making of MS *S*. He did, however, correct its text in his own hand;<sup>35</sup> he also supplied marginal notes to it, and indicated the material which was to be found elsewhere only in the Dublin manuscript or the original of the Dublin manuscript. Some of these notes he copied either from the Dublin manuscript or from the lost original of the Dublin manuscript. The heading of the ninth chapter he copied either from this lost original of the Dublin manuscript or derived from the internal outline of the Eighth Book which calls for Chapters VII and IX, for the Dublin manuscript itself omits the heading of the ninth chapter. The heading of Chapter VII also was given in MS *S*, but is lacking in the Dublin manuscript.

It is undetermined whether Ussher annotated MS *S* before or after June 17, when the edition of 1648 was published. The Dublin manuscript or its original was, however, at hand prior to June 17, for the edition of 1648 shows signs of having been corrected in the press by the Dublin manuscript or its original.<sup>36</sup>

The name of Ussher is, accordingly, seen to be closely involved in the question of the authenticity of the posthumous books of the *Ecclesiastical Polity*. His corrections and annotations on both the Sixth<sup>37</sup> and Eighth Books would indicate that he had reason to accept them as Hooker's own work.

The Dublin manuscript, as has been indicated above,<sup>38</sup> is

<sup>35</sup> Both Bernard (pp. [xi] and 49-50) and Bishop Sanderson (p. [xxii]) who wrote the Preface to the Reader for *Clavi Trabales* identify the hand of Ussher.

<sup>36</sup> Collations of the edition of 1648 and MS *D* indicate this. See below, p. 140. That Ussher once had possession of the Dublin MS is indisputable. *Works*, Vol. I, pp. xlvii-xlviii, and Vol. III, p. 368, n. 1.

<sup>37</sup> See above, p. 119.

<sup>38</sup> See above, pp. 113 ff.

most probably a copy of the manuscript prepared by Henry Jackson in 1612. The nature of Jackson's materials and the way in which he described his labors upon the Eighth Book would seem to indicate that the Dublin manuscript owes its form and some of its content to him.<sup>39</sup>

#### CHARGES OF CORRUPTION

As has been demonstrated above,<sup>40</sup> there were three copies of the Eighth Book in 1612: Andrewes' manuscript of 1606, Spenser's rough drafts of 1604, and Jackson's 1612 fair copy of Spenser's manuscript. Andrewes' manuscript was found in his library at the time of his death in 1626; it was probably the original for all the extant manuscripts except the Dublin manuscript. The original of the Dublin manuscript was probably surrendered to John Spenser by Jackson in 1612.<sup>41</sup> Keble, however, has conjectured that Henry Jackson retained his copy of the Eighth Book, and delivered to Spenser only the rough draughts.<sup>42</sup> It seems to me most improbable that Jackson could have thus imposed upon Dr. Spenser and later upon Dr. John King, Bishop of London. Spenser died in 1614. If, as is by no means certain, however, Marshall's dedicatory epistle to Spenser's sermon which he published in 1615<sup>43</sup> really referred to the Hooker manuscripts, it may have served to call Bishop King's attention (The dedication was addressed to King) to the copies of the Eighth Book, which the Bishop may thereupon have solicited from Mrs. Spenser. Bishop King would have learned of Jackson's special copy of the Eighth Book, and would not have been satisfied with

<sup>39</sup> See Jackson's letters, quoted above, p. 114, n. 58.

<sup>40</sup> See above, p. 115.

<sup>41</sup> See above, p. 114, n. 58.

<sup>42</sup> *Works*, Vol. I, p. li.

<sup>43</sup> *A Learned and Gracious Sermon by John Spenser, published by H. M., London, 1615. Compare Works, Vol. I, p. 93, n. 2.*

the rough draughts of Part I and Part II, but would have demanded also the remaining Part III from Jackson. It would seem probable, therefore, that if Part III of Book VIII was ever in Spenser's and Jackson's hands, it and the original of the Dublin manuscript passed into the keeping of Bishop King. Anthony à Wood asserts it:

Dr. Joh. Spenser . . . bequeathed the said copy, (containing the three last books) fairly transcribed by the hand of the said H. Jackson, to Dr. Jo. King, B. of London.<sup>44</sup>

Wood may have received this information from the mouth of Henry Jackson himself, for he had repeatedly visited Jackson, who was his kinsman, for the very purpose of hearing Jackson's recollections of Corpus Christi College.<sup>45</sup> Jackson may, accordingly, be acquitted of suspicion of having unlawfully retained copies of the Eighth Book.

Bishop Henry King, the son of Bishop John King, wrote to Izaak Walton in 1664:

Dr. *John Spencer*, who after the death of Mr. *Hooker*, was so careful to preserve his unvaluable Sixth, Seventh, and Eighth Books of *Ecclesiastical Polity*, and his other Writings . . . bequeathed them as a precious Legacy to my Father; after whose death<sup>46</sup> they rested in my hand, till Dr. *Abbot*, then Archbishop of *Canterbury*, commanded them out of my custody.<sup>47</sup>

With this account Walton agreed:

Doctor *Spencers* Wife . . . told me . . . that her Husband had made up or finisht Mr. *Hookers* last three Books: and that upon her Husbonds Deathbed, or in his last sickness, he gave them into her hand, with a

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<sup>44</sup> *Athenae Oxonienses*, 1813, Vol. I, p. 695.

<sup>45</sup> See the Diary of the Life of Anthony à Wood in Bliss' 1813 edition of *Athenae Oxonienses*, Vol. I, pp. xli, li.

<sup>46</sup> John King died March 30, 1621.

<sup>47</sup> *Works*, 1666, p. [xii].



*charge they should not be seen by any Man, but be by her delivered into the hands of the then Archbishop of Canterbury, which was Doctor Abbot, or unto Doctor King, Bishop of London; and that she did as he enjoyn'd her.*<sup>48</sup>

These manuscripts of the last three books are supposed to have remained at Lambeth until Archbishop Laud's library passed into the custody of the Parliamentarians and Hugh Peters. Henry King is authority for the charge against Hugh Peters:

At which time I have heard they were put into the Bishops Library, and that they remained there till the Martyrdom of Archbishop *Laud*, and were then by the Brethren of that Faction given with the Library to *Hugh Peters*, as a reward for his remarkable service in those sad times of the Churches confusion: And though they could hardly fall into a fouler hand, yet there wanted not other endeavors to corrupt and make them speak that Language, for which the Faction then fought; which was, *To subject the Sovereign Power to the people.*<sup>49</sup>

Whether, however, Hugh Peters actually obtained copies of the posthumous books is not known. There is, other than King's statement, no proof that Hooker's manuscripts were in Laud's library when it came into the hands of Hugh Peters. Laud's library had been in the custody of William Prynne since December 28, 1640.<sup>50</sup> The library was voted to Hugh Peters on June 27, 1644.

At the late date, moreover, when Hugh Peters may be supposed to have acquired possession of the manuscripts it would hardly have been possible for him or the earlier Prynne to have corrupted all the scattered copies of the Eighth Book, and thus to have secured the practical unanimity of the

<sup>48</sup> *Works*, 1666, p. 29.

<sup>49</sup> *Works*, 1666, p. [xii].

<sup>50</sup> *Works*, 1888, pp. xxxii-xxxiii. For the disturbances of the Civil Wars, see page xi of the Preface to the 1812 *Catalogue of Lambeth MSS.*

extant manuscripts. But even though it were true that manuscripts of the posthumous books were in the hands of the Parliamentarians after 1640, it should be borne in mind that before 1640 they had been held successively by John Spenser, Henry Jackson, John Spenser, John King, Henry King, Archbishop Abbot, Archbishop Laud, and also by Bishop Andrewes. In 1648 James Ussher had two copies of the Eighth Book, Lord Conway had one, one was in the Bodleian, and two more were mentioned which had been Bishop Andrewes' and Archbishop Laud's.

There may, accordingly, be supposed to have been two sets of manuscripts independent of each other from the days of Andrewes down to the time of the Civil Wars.<sup>51</sup> These two sets varied both in amount of material and in the order of sections, but their agreement in material held in common is a guarantee against their possible corruption in transmission.

There have been critics, nevertheless, who have asserted that the manuscripts of the Eighth Book do not agree; for example, Isaac Disraeli declared that there were contradictory copies of the Eighth Book; he said:

Some copies of the concluding book asserted that "Princes on earth are only accountable to Heaven," while others read "to the people."<sup>52</sup>

Disraeli's reference obviously was to the ninth chapter which is preserved only in the Dublin manuscript and in part in *Clavi Trabales*; in both, moreover, some material has been dropped out.<sup>53</sup> But Disraeli was in error, for the doctrine that Princes on earth are only accountable to Heaven was not an expression of Hooker's opinion; it was only the statement of one side of the question; Hooker had proposed to

<sup>51</sup> See above, p. 115; compare *Works*, Vol. I, p. 1.

<sup>52</sup> *Amenities of Literature*, 1868, p. 447.

<sup>53</sup> See above, pp. 126-127. See also App. C, p. 309.

state both sides without an expression of his own opinion. There is, accordingly, no evidence of contradictory copies here.<sup>54</sup>

Disraeli probably had also the Eighth Book in mind in particular when he attributed the following experience to William Laud:

Again, in 1632, the five undoubted genuine books were reprinted. Laud, then archbishop of Canterbury, attracted probably by this edition, examined the papers—he was startled by some antagonist principles, and left the phantom to sleep in its darkness; whether some doctrines which broadly inculcate “jure divino” were touches from the Lambeth quarter, or whether the interpolating hand of some presbyter had insidiously turned aside the weapon, the conflicting opinions could not be those of the judicious Hooker.<sup>55</sup>

It could be wished that Disraeli had given his authority for this account. It is not to be doubted, however, that the Archbishop was acquainted with Hooker’s manuscripts and that he would not have been wholly satisfied with the Seventh and Eighth Books. There is nothing in this alleged occurrence to prove that there are conflicting opinions in the posthumous books of the *Ecclesiastical Polity*.

<sup>54</sup> *Works*, Vol. III, p. 445. See below, p. 280.

<sup>55</sup> *Op. cit.*, p. 446.

## IX

### THE MANUSCRIPTS OF THE EIGHTH BOOK

Collations of the extant manuscripts and editions of the Eighth Book demonstrate not only that there has been no corruption of the manuscripts, but that they fall into classes which may be traced back to two originals of 1593. The existence of two copies of the Eighth Book in 1593 has been shown in the preceding pages to be most probable; these manuscript studies supply additional evidence. The originals in question are, however, not extant. Six manuscript copies, presumably of the Eighth Book, were known to the publisher of the edition of 1648, and six manuscripts are known today; but Hooker's originals and at least three intermediary originals of extant manuscripts and editions have perished.

#### COPIES IN 1648

Page [iv] of the 1648 edition of Book VIII enumerates:

The severall Copies compared before Publication.

The Copy that is in Sir *Tho. Bodleys* Library in *Oxford*.<sup>1</sup>

The Copy that was in the Lord Archbishop of *Canterbury* his Library.

The Copy that was in Dr. *Andrews* late Lord Bishop of *Winchester* his Library.

Two Copies in the hands of the Lord Archbishop of *Armagh*.

The Copy in the hands of the Lord Viscount *Conway*.

The probability that the Museum manuscript of the Eighth Book was used for the edition of 1648, and that the Dublin

<sup>1</sup> Inasmuch as the manuscript copy of the Eighth Book now in the Bodleian has been referred by the editor of the 1900 *Catalogue of Bodleian MSS* (Index, p. 635) to "Lane. Andrewes," it should be noted that the copy which had been in Dr. Andrewes' library was not identical with the copy in Sir. Tho. Bodley's library in 1648.



and Lambeth manuscripts were used to correct that edition, would seem to identify three of these "Copies," unless, perchance, the Museum manuscript had been especially copied from another of the manuscripts for the use of the printer; in which case the Museum manuscript might not have been counted, but the original of the Museum manuscript, the hypothetical *X*, would then have been included among the six copies mentioned. It should be noticed that James Ussher, the Archbishop of Armagh, had two copies.

#### MANUSCRIPTS NOW EXTANT

There are now extant six manuscript copies of the Eighth Book, four of which were known to Keble in 1836; viz:

- MS C, which is in Gonville and Caius College, Cambridge;
- MS L, which is in the Archiepiscopal Library, Lambeth;
- MS Q, which is in Queen's College Library, Oxford;
- MS D, which is in the Library of Trinity College, Dublin.<sup>2</sup>

Two other manuscripts of the Eighth Book have come to light since Keble's day:

- MS B, which is in the Bodleian, Oxford; and
- MS M, which is in the British Museum, London.

There was a copy in the Bodleian in 1648.

I have been privileged to see all of these manuscripts except that in Queen's College. I made a complete transcript of the Dublin manuscript.<sup>3</sup> Columbia University has secured photostatic copies of all of these manuscripts except the Dublin manuscript.

The Dublin manuscript varies from the other manuscripts of the Eighth Book both in the order and the amount of its material. The following table has been designed to show this variation:

<sup>2</sup> See above, p. 124, n. 28.

<sup>3</sup> See below, pp. 151-291.

Nos.	PASSAGES	DUBLIN MS	EDITION 1662	TEXT BELOW
1	We come . . . overrule	1-20	184-191	153-170
2	Unto which . . . reasonable	20-34v	191-196	170-182
3	It hath . . . Ecclesiasticall lawes	34v-37	191	182-184
4	The cause of . . . been shewed	37-40v	197-198	184-188
5	The service . . . and Priests	41-46v	(omitted)	188-194
6	These things . . . tame them	47-66v	198-205	196-213
7	For the title . . . . to have	67-68v	198	195-196
8	Their meaning . . . any part	69-73	206-207	216-219
9	The last difference . . . gov- ernment	74-76	205-206	213-216
10	The Consuls . . . the other	77	208	220
11	(Wherefore) amongst . . . and others	77-77v	207-208	220-221
12	The auncient . . Eccles'll	77v-80	208-209	221-223
13	(Wherefore) The Clergie . . . neede	80-80v	208	223
14	The naturall . . . . . lawes thereof	81-84v	(omitted)	224-227
15	The case is . . . finde it oute	85-102v	218-224	227-241
16	And concern . . . withstand	103-105v	212-213	248-251
17	There are . . . Christian re- ligion	109-118v	209-212	241-248
18	Wherein it . . . the Church	105v-108	(omitted)	251-252
19	Touching the adv . . . illaesas	119-132	(omitted)	253-263
20	Touching the kings . . . therein	133-149v	213-218	264-278
21	Besides these . . . bear rule	145-145v	(omitted)	274-275
22	The last thing . . . lawfull	151-167	(omitted)	279-291

The order of the edition of 1662 is: 1, 3, 2, 4, 7, 6, 9, 8, 11, 10, 13, 12, 17, 16, 20, 15. It omits numbers 5, 14, 18, 19, 21, and 22. There are transpositions between 2 and 3, 6 and 7, 8 and 9, 10 and 11, 12 and 13, 16 and 17. Number 15 is widely dislocated in the edition of 1662. On D 21v-22 there is a minor transposition. The division between Part I and Part II occurs in number 20 on D 142v.

### TWO CLASSES OF MANUSCRIPTS

There are, accordingly, two classes of manuscripts of the Eighth Book, of which the one is represented by the Dublin manuscript and *Clavi Trabales*, and the other by the manuscripts which are in the Bodleian, Gonville and Caius College, the British Museum, Lambeth Palace, and Queen's College. The editions of 1648 and 1662 also belong to the second class.

As has been illustrated by the foregoing table the two classes of manuscripts differ both in the order of sections and in the amount of material. It may be possible to explain partially the manner in which the differences occurred. According to the theory of two originals in 1593, the first class of manuscripts has descended from Jackson's 1612 copy of Hooker's autograph of 1593. The second class came from a clerk's copy of 1593 which Hooker probably corrected in his own hand; no copies of it were made, however, until it had lost Chapters VII and IX. Both manuscripts of 1593 suffered disorder before copies were made from them. The first class, surviving only in the Dublin manuscript and in part in *Clavi Trabales*, besides its greater completeness, may lay claim to be representative of Hooker's first drafts. The second class, however, might have enjoyed the benefit of some corrections and improvements by Hooker himself when he had the copy made in 1593 from his autograph.

An analysis of the variant readings in the two classes of

manuscripts has yielded results which support the theory that the Dublin manuscript represents Hooker's first drafts, and that the other manuscripts represent a copy prepared for the press in 1593. I have listed two hundred and fifty-seven readings peculiar to MS D. Some of these variant readings might well have occurred when the clerk's copy was made in 1593 from Hooker's own copy, and may, accordingly, have been the inadvertent errors of the copyist or the conscious corrections of Hooker himself. Others may have occurred in the making of MS D or of the direct original of MS D. MS D is, according to my theory, a copy once removed from Hooker's autograph, while all other extant manuscripts are either direct or indirect copies of the clerk's copy of 1593. If this theory of the manner of origin of the two classes of manuscripts should be true it would seem plausible to expect to find improved readings in the other class of manuscripts in contrast to the more original readings of the Dublin manuscript. I submit, therefore, the following cases as striking illustrations of the variant readings of the two classes of manuscripts. If these cases should be approved as showing a more original form in MS D, it might be thought evidence that MS D is more representative of Hooker's first drafts than are the other manuscripts.

The first six cases probably represent deliberate changes made in the clerk's copy of 1593 in order to make the meaning more clear. These alterations may have been made in Hooker's own hand. The first reading in each pair is that of the Dublin manuscript. The page numbers of the edition of 1888 also are given:<sup>4</sup>

<sup>4</sup> See below, pp. 166, 171, 173, 174, 177, 177. To these 257 unique readings in MS D, fifty more cases should probably be added where the originally unique readings in MS D have been corrected to correspond with the *P*<sup>2</sup> family. See below, pp. 142-143. These corrections are in the Italian hand; the original text of MS D is in a late Secretary hand. Compare also Appendices A and B.



- D 16 which it hath not under him.  
 340 which it hath not when he is suffered to rule.
- D 21v confesse their power his.  
 344 confesse their power which they have to be his.
- D 23v the partie so rejected hath heerin no iniurie;  
 347 the party so rejected hath no injury done unto him;
- D 25v all those things are utterly voyde  
 349 all those new elections & investings are utterly voyde
- D 28v that of all others lawfully raining they had  
 351 that of all others they were most tyed to Law, and so had
- D 29 the best limited power is best.  
 352 the best limited power is best, both for them, & for the people.

The following four cases were apparently errors made when the clerk's copy of 1593 was made. Hooker failed to notice the mistakes of the scribe when he corrected that manuscript:<sup>5</sup>

- D 31 the affayres of God & Ecclesiasticall causes  
 354 the affayres of Gods Ecclesiasticall causes
- D 36 Kings or Lawes should dispose of the affayres of God  
 358 Kings or Lawes should dispose of the lawes of God
- D 37 was judged by the makers of the foresaid Act a just cause  
 359 was judged by the making of the foresaid Act a just cause
- D 57 we finde them accompted Aliens . . . men that lay in  
 377 we accompt them Aliens . . . and that live in

The argument may perhaps be readily granted in the case of obvious errors in the manuscripts where D has a more

<sup>5</sup> See below, pp. 179, 184, 184, 205.

correct reading, but in the first six cases given above it might very well be argued that there may have been condensation rather than amplification of the readings. It is my feeling, however, that the more idiomatic though less explicit reading would have been the original reading. The readings of MS D which are quoted above do seem to be the more idiomatic as well as the more correct.

It may not be superfluous to append three other cases where MS D seems to have the original reading from which the other manuscripts have departed.<sup>6</sup> Two of them show obvious omissions from the other class of manuscripts.

D 78 till we come unto later times when Religion had won  
393 till we come unto later when Religion had won

D 111 those grave authentick words, Be it enacted  
410 those grand authentick words, Be it enacted

D 118 power be placed in the hand of some forreine spiritual po-  
tentate  
414 power be placed in the hand of some spiritual po-  
tentate

In these three cases the edition of 1648 agrees with the readings of MS D. Elsewhere I mention the probability that the edition of 1648 was corrected in the press by the Dublin manuscript.<sup>7</sup>

#### NON-EXTANT MANUSCRIPTS

On a preceding page<sup>8</sup> I have given a list of the six extant manuscript copies of the Eighth Book; their symbols are B, C, D, L, M, and Q. Various considerations, historical

<sup>6</sup> See below, pp. 221, 242, 248.

<sup>7</sup> See above, p. 120.

<sup>8</sup> See above, p. 135.

and textual, have made it necessary to assume the quondam existence also of six non-extant manuscripts, which may be represented by the symbols, *H*, *P*, *J*, *S*, *W*, and *X*. The following descriptions will serve to identify these hypothetical manuscripts.

*H* represents Hooker's first drafts of 1593.

*P* represents a copy of *H* corrected by Hooker himself.

*P*<sup>2</sup> is *P* with loss of Chapters VII and IX.

*J* is Henry Jackson's 1612 copy of *H*.

*S* is a manuscript of extracts from the Dublin manuscript; it was used for *Clavi Trabales* in 1661.

*W* is a copy of *P*<sup>2</sup>, and is the parent of MSS *L* and *X*, and the edition of 1662.

*X* is the original of MSS *M*<sup>1</sup> and *C*.

The manuscripts and the relationships which are here postulated are deductions made from my studies of the extant manuscripts and editions in the light of historical references.

The following table of relationships is also offered to illustrate the history of the making of the manuscripts and editions of the Eighth Book.

*H* to *J* to *D* to *S* to *Clavi Trabales*.

*H* to *P* = *P*<sup>2</sup> to *B*, *Q*, *W*, and Andrewes' quotations.

*W* to *L*, *X*, and *E*<sup>2</sup>.

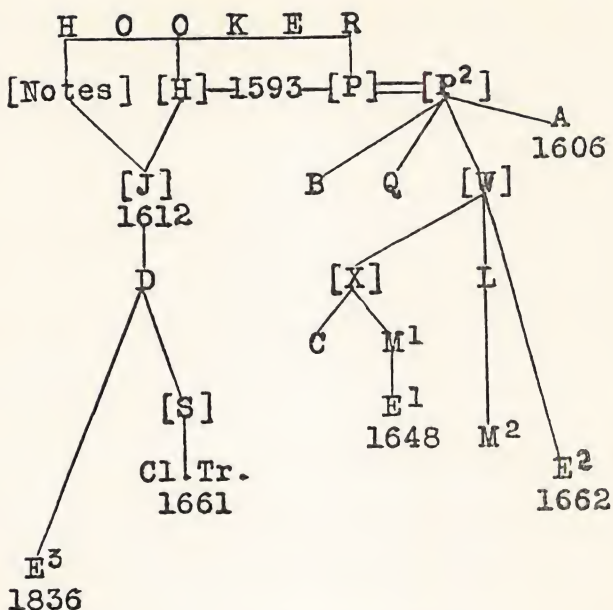
*L* to *M*<sup>2</sup>.

*X* to *M*<sup>1</sup> and *C*.

*M*<sup>1</sup> to *E*<sup>1</sup>.

*M*<sup>1</sup> and *M*<sup>2</sup> represent the first and second parts of MS *M*.  
*E*<sup>1</sup> and *E*<sup>2</sup> represent the edition of 1648 and the second part of the edition of 1662.

These relationships are expressed graphically by the chart which follows:



The above series of relationships have been largely derived from collations of the extant manuscripts and editions of the Eighth Book. The *W* family, which comprises MSS C, L, and M, and the editions of 1648 and 1662, has numerous common readings as opposed to MSS B, D, and Q. The *W* family also has English translations of Greek and Latin marginal notes, which translations are lacking in MSS B, D, and Q.

The *X* family is a group within the *W* family, and comprises MS C, the first part of MS M, and the edition of 1648. These three have a great number of readings which are peculiar to them alone.

The edition of 1648 was made from the Museum manuscript, but was corrected in the press by others of the manuscripts.



The second part of the edition of 1662 was made from the hypothetical manuscript *W*.

The second part of the Museum manuscript was copied from the Lambeth manuscript.

Jackson used notes for his copy of 1612 which had not been included in Hooker's first drafts or in his clerk's copy of 1593.

The clerk's copy of 1593 was made by a scribe from Hooker's first drafts and was corrected by Hooker himself.

Andrewes' copy of the Eighth Book may have been either *P*<sup>2</sup> or *W*, either of which he could have used for his sermon of 1606.

The *P*<sup>2</sup> family includes all the extant manuscripts except the Dublin manuscript, which latter is characterized by its peculiar order of chapters and sections, its unique material, and its special readings. The hypothetical *S* was either a copy of MS D or of the original of MS D.

These deductions and statements of relationships may not be infallible, but they are in a measure supported by other considerations besides the collations of variant readings. No hypothetical manuscripts have been postulated which are not necessary to explain the facts. Any discovery of other manuscripts of the Eighth Book or of other historical data will not decrease but may possibly increase the number of intermediary manuscripts. Further light might also be thrown upon the history of the manuscript copies by a study of watermarks and the hands of the several manuscripts. The extant manuscripts might be more exactly dated. More of their history might also be discoverable.<sup>9</sup>

<sup>9</sup> MS B was in the collection of Richard Rawlinson (1690-1755): MS Rawl. D. 843. *Catalogue of Bodleian MSS*, Oxford, 1900, Part V, pp. 635, 602-603.

MS C was given by William Moore in 1659 to Gonville and Caius College. *Catalogue of MSS*, 1907, Vol. I, pp. vii-viii, 338.

MS L was given to Lambeth by Archbishop Tenison (1636-1715).

The fact that the extant manuscripts and editions of the Eighth Book fall into families and groups restores confidence in the orderliness of their making and in the integrity of their custodians. The variations of readings, order, and material were accidental and due to chance and the frailty of scribes; some of them, however, might have been the editorial corrections of Hooker himself, and some the work of Jackson in 1612. The significant fact, however, is the way the manuscripts fall into two groups whose originals may with great probability be traced back to Hooker himself. These two streams of independent development since 1593 should serve to establish the authenticity of the Eighth Book.

#### CONCLUSION OF THE INTRODUCTION

Hooker's own words, the historical references to the Eighth Book, a comparison of its ideas with those of the first four books of the *Ecclesiastical Polity*, a study of its form, and the collation of its extant manuscripts and editions, make unanimously for the authenticity of the Eighth Book. The extant manuscripts and editions derive from Hooker's copies of 1593.

These studies have served also to show that seventeenth

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*Catalogue Lambeth MSS*, 1812. MS 711, No. 2, in Tenison's Collection. MS L may possibly have been copied from MS W shortly after 1624 by the same amanuensis who copied a document of 1624 signed by the then Bishop of Bath and Wells, Arthur Lake. This record of the consecration of a chapel is bound up with MS L, and written on paper with the same watermark. Bishop Lake died in London on May 4, 1626, and Bishop Andrewes is said to have heard his last confession.

MS M (Sloane MS 2750) was of the original nucleus of the British Museum. *A Catalogue of MSS in the British Museum*, London, 1782, Vol. I, p. 71.

MS Q "was the property of Dr. Thomas Barlow, Provost of Queen's College," Keble, *Works*, Vol. I, p. xlv.

century critics were misled by their imperfect knowledge of the manuscripts of the last three books and by the incomplete editions of 1648 and 1662 to question the authenticity of the Eighth Book. The tales of vandalism and corruption of the manuscripts have been shown to be unsubstantial and not borne out by the actual condition of the extant manuscripts and editions.

That the Eighth Book is perfect, however, is not claimed. Its imperfections, nevertheless, do not destroy the authenticity of the Eighth Book in whole or in part. The number of manuscript copies, their origin and history, and their probable descent from Hooker in two independent lines should effectually dispel the illusions inherited from the seventeenth century with regard to the Eighth Book of the *Ecclesiastical Polity*.

The suspicion of suppression, however, remains. The nature of the contents of the Eighth Book provides ample reason why Lord Burghley may have judged that its publication in 1593 would have been offensive to the Queen. It is not known why Henry Jackson was not permitted to publish the Eighth Book which he had prepared for the press in 1612, but there can be no doubt that James I would not have appreciated its political doctrine.

Neither Archbishop Bancroft nor Archbishop Laud<sup>10</sup> would have cared to publish the Seventh Book which contains a view of the episcopacy which not even Keble in 1836 was able to claim as High Church. In 1648 the Eighth Book was published probably to provide the Parliamentarians and the King with a theory of a limited monarchy by which a reconciliation might be effected. There would have been no object in publishing the Seventh Book at that time, but in 1662 John Gauden may have thought that the publication of the Seventh Book would make the restoration of episcopacy less

<sup>10</sup> See above, p. 133.

intolerable to the Presbyterians and the Independents of the Commonwealth days. The time for compromise, however, had not yet arrived.

Compromise, to be sure, was not in the vocabulary of Richard Hooker. He advocated, rather, a broad tolerance of divergent opinions, together with a good-natured conformity to the social order. He had no sympathy with the type of thinking which alienated the individual from society, and had approval neither of the Puritan whose exaltation of principle over fact made him uncongenial to his neighbors nor of the radical whose zeal for reform drove him to rebel against the established order. Hooker's love of truth and genuine sincerity, nevertheless, were inferior to none of those who were crying for reform. The *Laws of Ecclesiastical Polity* remains a valuable treatise on the relations of Church and State, and is a conspicuous example of the reaction of an intelligent and reasonable man to the social and religious questions of his day. Neither human nature, nor man's institutions, nor the facts of life have altered sufficiently since the sixteenth century to deprive Hooker's writings of interest to the twentieth century reader. Sufficient partisan spirit also has probably survived to make the *Ecclesiastical Polity* more welcome in some circles than in others. Such enduring interest will be sufficient justification for these studies of the authenticity of the posthumous books of the *Ecclesiastical Polity* and for the publication of a new edition of the Eighth Book.



## X

### NOTES ON THE EDITIONS OF THE ECCLESIASTICAL POLITY

There have been more than thirty-five editions of the *Ecclesiastical Polity* besides separate editions of the individual books. The editions of 1593, 1597, and 1604 were printed by John Windet. All editions from 1611 to 1638 were printed by William Stansby. An edition of 1639 and the 1648 first edition of Books VI and VIII were printed by Richard Bishop. The tractates which had been first published in 1612, 1613, and 1614 were reprinted in 1618 and bound up with the edition of 1617-1616. The edition of 1662 contained Book VII for the first time, and included also Bishop Gauden's *Life of Hooker*. The edition of 1666 was a reprint of the edition of 1662, with the substitution of the second edition of Walton's *Life of Hooker* for Gauden's *Life*. The edition of 1705 saw the enlargement of Walton's *Life* by John Strype's additions. The Clarendon Press in Oxford printed the first octavo edition in 1793 in three volumes and included Bishop Andrewes' *Letter*. Benjamin Hanbury's controversial edition of 1830 printed several valuable documents, and probably occasioned John Keble's scholarly edition of 1836. The Keble series has run through seven editions, culminating in the edition of 1888, which was published under the supervision of R. W. Church and Francis Paget. Keble's edition has been printed several times without his preface and notes.

Hooker's Preface was published separately in 1817 and 1922; the First Book in 1837, 1851, 1868, 1876, 1882, 1896, and 1905; the first four books in 1888; the first five books in 1907 and 1922; the Fifth Book in 1902; the Sixth Book in 1901; and the Eighth Book in 1850.

PART II

THE TEXT OF THE EIGHTH BOOK  
OF  
RICHARD HOOKER'S  
ECCLESIASTICAL POLITY

## FOREWORD

The following text of the Eighth Book of Hooker's *Ec-  
clesiastical Polity* is based upon the Dublin manuscript with  
which it preserves a verbal agreement; the spelling, punctua-  
tion, and paragraphing, however, follow the standard Keble  
editions. Except in several cases, duly noted, the text fol-  
lows the page order of the Dublin manuscript. The differ-  
ences between the order of the Dublin manuscript and the  
order of the other manuscripts of the Eighth Book may be  
discoverable by reference to the table on page 136 of the  
preceding Introduction and to Appendices C and D. The  
page numbers of the Dublin manuscript, which is numbered  
only on the *recto* of each sheet, have been placed between  
brackets in the text, with the letter v standing for the *verso*  
page.

Superior letters ° and ° have been inserted into the text to  
indicate, respectively, readings in the Dublin manuscript,  
which are not to be found in any of the other manuscripts,  
and corrections in the text of the Dublin manuscript. Lists  
of these variant readings and corrections are given in Ap-  
pendices A and B.

The marginal headings of the manuscripts have been  
printed in italic as headings in the text, from which they are  
separated by a period and a dash.

The chapter divisions were the contribution of James Us-  
sher and John Keble. Material which Keble in 1836 relegated  
to footnotes and appendices has been restored to the body of  
the text.

Hooker's marginal references to authorities quoted have  
been placed in the footnotes. Additional references to au-  
thorities quoted, supplied by Keble, have been placed within

brackets followed by the symbol K. Other bracketed notes include material from the other manuscripts of the Eighth Book, whose symbols are explained on page 135 of the Introduction. The running titles and certain explanatory notes have been supplied by the present editor.

R. A. H.



# OF THE LAWS OF ECCLESIASTICAL POLITY

## THE EIGHTH BOOK<sup>1</sup>

THEIR SEVENTH ASSERTION, THAT UNTO NO CIVIL PRINCE OR GOVERNOR THERE MAY BE GIVEN SUCH POWER OF ECCLESIASTICAL DOMINION AS BY THE LAWS OF THIS LAND BELONGETH UNTO THE SUPREME REGENT THEREOF.

### CHAPTER I

#### SEPARATION OF CHURCH AND STATE<sup>2</sup>

We come now to the last thing whereof there is controversy moved, namely *the power of supreme jurisdiction*, which for distinction's sake we call *the power of ecclesiastical dominion*.

It was not thought fit in the Jews' commonwealth, that the exercise of supremacy ecclesiastical should be denied unto him, to whom the exercise of chieftly civil did appertain; and therefore their kings were invested with both. This power they gave unto Simon,<sup>3</sup> when they consented that he should be "their prince," not only "to set men over [1v] the works, and over the country, and over the weapons, and over the fortresses," but also "to provide for the holy things;" and "that he should be obeyed of every man, and that all the writings in the country should be made in his name, and that it should not be lawful for any of the people or priests to with-

<sup>1</sup> [Title from the edition of 1648.] 1930.

<sup>2</sup> [Title supplied.] 1930.

<sup>3</sup> 1 Macc. xiv. [42-] 44.

stand his words, or to call any congregation in the country without him."

And if it be<sup>v</sup> haply surmised, that thus much was given unto Simon, as being both prince and high priest; which otherwise, being only their civil governor, he could not lawfully have enjoyed: we must note, that all this is no more than the ancient kings of that people had, being kings and not priests. By this power David, Asa, Jehosaphat, Ezekias, Josias, and the rest, made those laws and orders which the [2] Sacred History speaketh of, concerning matter of mere religion, the affairs of the temple, and service of God. Finally, had it not been by the virtue of this power, how should it possibly have come to pass, that the piety or impiety of the king did always accordingly change the public face of religion, which thing the priests by themselves never did, neither could at any time hinder from being done? Had the priests alone<sup>e</sup> been possessed with all power in spiritual affairs, how should any law concerning matter of religion have been made but only by them? In them it had been, and not in the king, to change the face of religion at any time. The altering of religion, the making of ecclesiastical laws, with other the like actions belonging unto the power of dominion, [2v] are still termed *the deeds of the king*; to shew that in him was placed supremacy of power even in this kind over all, and that unto their high<sup>v</sup> priests the same was never committed, saving only at such times as their priests were also kings or princes over them.

According to the pattern of which example, the like power in causes ecclesiastical is by the laws of this realm annexed unto the crown. And there are which imagine, that kings,<sup>4</sup> being mere lay persons, do by this means exceed the lawful bounds of their calling. Which thing to the end that they

<sup>4</sup> [1 Adm. ap. Whitg. Def. p. 694. T. C. lib. i. p. 153. al. p. 192.] K.

may persuade, they first make a necessary separation perpetual and personal between the Church and commonwealth. Secondly, they so tie all kind of power ecclesiastical unto the Church, as if it were in every degree [3] their only right which<sup>v</sup> are by proper spiritual function termed Church-governors, and might not to<sup>v</sup> Christian princes any wise appertain.

To lurk under shifting ambiguities and equivocations of words in matters of principal weight is childish. A church and a<sup>e</sup> commonwealth we grant are things in nature the one distinguished from the other. A commonwealth is one way, and a church another way, defined. In their opinion the church and the commonwealth are corporations, not distinguished only in nature and<sup>e</sup> definition, but in subsistence perpetually severed; so that they that<sup>v</sup> are of the one can neither appoint nor execute in whole nor in part the duties which belong unto them which are of the other, without open breach of the law of God, which hath divided them, and doth require that being so divided [3v] they should distinctly and severally work, as depending both upon God, and not hanging one upon the other's approbation for that which either hath to do.

We say that the care of religion being common unto all societies politic, such societies as do embrace the true religion have the name of the Church given unto every of them for distinction from the rest; so that every body politic hath some religion, but the Church that religion which is only true. Truth of religion is that<sup>v</sup> proper difference whereby a church is distinguished from other politic societies of men. We here mean true religion in gross, and not according to every particular: for they which in some particular points of religion do swerve from the truth,<sup>e</sup> may neverthe[4]less most truly, if we compare them to men of an heathenish religion, be said to hold and profess that religion which is true. For which cause, there being of old so many politic societies established

throughout the world, only the commonwealth of Israel, which had the truth of religion, was<sup>e</sup> in that respect the Church of God: and the Church of Jesus Christ is every such politic society of men, as doth in religion hold that truth which is proper to Christianity. As a politic society it doth maintain religion; as a church, that religion which God hath revealed by Jesus Christ.

With us therefore the name of a church importeth only a society of men, first united into some public form of regiment, and secondly distinguished from other societies by the [4v] exercise of Christian religion. With them on the other side the name of the Church in this present question importeth not only a multitude of men so united and so distinguished, but also further the same divided necessarily and perpetually from the body of the commonwealth: so that even in such a politic society as consisteth of none but Christians, yet the Church of Christ and the commonwealth are two corporations, independently each subsisting by itself.

We hold, that seeing there is not any man of the Church of England but the same man is also a member of the commonwealth; nor any man a member of the commonwealth, which is not also of the Church of England; therefore as in<sup>e</sup> a figure triangular the base doth differ from [5] the sides thereof, and yet one and the selfsame line is both a base and also a side; a side simply, a base if it chance to be the bottom and underlie the rest: so, albeit properties and actions of one kind do cause the name of a commonwealth, qualities and functions of another sort the name of a Church to be given unto a multitude, yet one and the selfsame multitude may in such sort be both, and is so with us, that no person appertaining to the one can be denied to be also of the other. Contrariwise, unless they against us should hold, that the Church and the commonwealth are two, both distinct and separate societies, of which two, the<sup>v</sup> one comprehendeth always per-



sons not belonging<sup>e</sup> [5v] to the other; that which they do they could not conclude out of the difference between the Church and the commonwealth; namely, that bishops may not meddle with the affairs of the commonwealth, because they are governors of another corporation, which is the Church; nor kings with making laws for the Church, because they have government not of this corporation, but of another divided from it, the commonwealth; and the walls of separation between these two must for ever be upheld. They hold the necessity of personal separation, which clean excludeth the power of one man's dealing in both; we of natural, which doth not hinder but that one and the same person may in both bear a principal sway.<sup>5</sup>

The causes of common received error in this point seem to have [6] been especially two: one, that they who embrace true religion living in such commonwealths as are opposite thereunto, and in other public affairs retaining civil communion with such, are constrained, for the exercise of their religion, to have a several communion with those who are of the same religion with them. This was the state of the Jewish Church both in Egypt and Babylon, the state of Christian Churches a long time after Christ. And in this case, because the proper affairs and actions of the Church, as it is the Church, have no dependence upon the laws, or upon the governors of the civil state, an opinion hath thereby grown, that even so it should be always.<sup>6</sup> This was it which deceived Allen in the writing of his Apology: [6v] "The Apostles," saith he,<sup>7</sup> "did govern the church in Rome when Nero did<sup>v</sup> bare rule, even as at this day in all the Turk's dominions, the Church hath a spiritual regiment without dependence, and so ought she<sup>e</sup> to have, live she<sup>v</sup> amongst heathens, or with Christians."

<sup>5</sup> [Saravia, de Divers. Ministr. Grad. c. xi. p. 27.] K.

<sup>6</sup> [Sutcliffe, de Presbyterio, p. 42.] K.      <sup>7</sup> [Cap. iv. p. 64, 65.] K.

Another occasion of which misconceit is, that things appertaining unto religion are both distinguished from other affairs, and have always had in the Church special persons chosen to be exercised about them. By which distinction of spiritual affairs and persons therein employed from temporal, the error of personal separation always necessary between the Church and the commonwealth hath strengthened itself. For of every politic society that being true which Aristotle hath,<sup>8</sup> [7] namely, "that the scope thereof is not simply to live, nor the duty so much to provide for life, as for means of living well:" and that even as the soul is the worthier part of man, so human societies are much more to care for that which tendeth properly unto the soul's estate, than for such temporal things as this life doth stand in need of: other proof there needs none to shew that as by all men the kingdom of God is first to be sought<sup>9</sup> for, so in all commonwealths things spiritual ought above temporal to be provided for. And of things spiritual, the chiefest is religion.<sup>10</sup> For this cause, persons and things employed peculiarly about the affairs of religion, are by an excellency termed spiritual. The heathen<sup>v</sup> themselves had their spiritual laws, causes, and offices,<sup>11</sup> always [7v] severed from their temporal; neither did this make two independent estates among them. God by revealing true religion doth<sup>e</sup> make them that receive it his Church. Unto the Jews he so revealed the truth of religion, that he gave them in special consideration laws, not only for the administration of things spiritual, but also temporal. The Lord himself appointing both the one and the other in that commonwealth, did not thereby distract it into several

<sup>8</sup> Polit. p. 102. [lib. iii. c. 6.] ECLMQ.

<sup>9</sup> Matt. vii. [vi. 33.] Q.

<sup>10</sup> Arist. Pol. p. 196.

<sup>11</sup> Arist. Pol. p. 123. l. 10. et p. 181. l. 28. [lib. iii. c. 20.] EM.  
Liv. lib. i. [c. 20.] K.

independent communities, but institute several functions of one and the same community. Some reason therefore must be alleged why it should be otherwise in the Church of Christ.

*Three kinds of proofs for confirmation of the foresaid separation between the Church and commonwealth, the first taken from difference of affairs and offices in each.*—I shall not need to spend any great store of words in answering [8] that which is brought out of holy Scripture to shew that secular and ecclesiastical affairs and offices are distinguished; neither that which hath been borrowed from antiquity, using by phrase of speech to oppose the commonwealth to the Church of Christ; nor yet the<sup>v</sup> reasons which are wont to be brought forth as witnesses, that the Church and commonwealth are always distinct. For whether a church and a commonwealth do differ, is not the question we strive for; but our controversy is concerning the kind of distinction, whereby they are severed the one from the other; whether as under heathen kings the Church did deal with her own affairs within herself, without depending at all upon any in<sup>e</sup> civil authority, and the commonwealth in hers, altogether without the privity of the Church; so [8v] it ought to continue still, even in such commonwealths as have now publicly<sup>e</sup> embraced the truth of Christian religion; whether they ought to be evermore two societies, in such sort, several and distinct.

I ask therefore, what society that was,<sup>v</sup> that was in Rome, whereunto the Apostle did give the name of the Church of Rome in his time? If they answer, as needs they must, that the Church of Rome in those days was that whole society of men which in Rome professed the name of Christ, and not that religion which the laws of the commonwealth did then authorize; we say as much, and therefore grant that the commonwealth of Rome was one society, and the Church of Rome another, in such sort as<sup>v</sup> there was between them no mutual dependency. But when whole Rome became [9]



Christian, when they all embraced the gospel, and made laws in the<sup>v</sup> defence thereof, if it be held that the church and the<sup>v</sup> commonwealth of Rome did then remain as before; there is no way how this could be possible, save only one, and that is, they must restrain the name of the Church in a Christian commonwealth to the clergy, excluding all<sup>e</sup> the residue of believers,<sup>e</sup> both prince and people. For if all that believe be contained in the name of the Church, how should the Church remain by personal subsistence divided from the commonwealth, when the whole commonwealth doth believe?

The Church and the commonwealth therefore<sup>v</sup> are in this case personally one society, which society being termed a commonwealth as it liveth under whatsoever form of secular law [9v] and regiment, a church as it hath the spiritual law of Jesus Christ; for as much as these two laws contain so many and so different offices, there must of necessity be appointed in it<sup>e</sup> some to one charge, and some to another, yet without dividing the whole, and<sup>e</sup> making it two<sup>e</sup> several impaled societies.

The difference therefore either<sup>e</sup> of affairs or offices ecclesiastical from secular,<sup>12</sup> is no argument that the Church and the commonwealth are always separate and independent the one from<sup>v</sup> the other: which thing even Allen himself considering somewhat better, doth in this point a little correct his former judgment before mentioned, and confesseth in his Defence of English Catholics,<sup>13</sup> that "the power political hath her princes, laws, tribunals; the spiritual, her prelates, canons, councils, judgments; and those [10] (when the princes are pagans) wholly separate, but in Christian commonwealths joined though not confounded." Howbeit afterwards his former sting appeareth again; for in a Christian commonwealth he holdeth, that the Church ought not to

<sup>12</sup> 2 Chron. xix. 8, 11; Heb. v. 1; 1 Thess. v. 12; T. C. lib. iii. p. 151.

<sup>13</sup> [Cap. v. p. 98, 99.] K.



depend at all upon the authority of any civil person whatsoever, as in England he saith it doth.

2. *Proofs of separation between the Church and commonwealth, taken from the speeches of the Fathers opposing the one to the other.*—It will be objected, that “the Fathers do oftentimes mention the commonwealth and the Church of God by way of opposition.<sup>14</sup> Can the same thing be opposite unto itself? If one and the same society be both,<sup>v</sup> what sense can there be in that speech which saith, ‘They suffer and flourish together?’<sup>15</sup> What sense in that which maketh one thing adjudged to the Church, another to the commonwealth?<sup>16</sup> Finally, in that which [10v] putteth a difference between the causes of the province and of the Church? Doth it not hereby appear that the Church and the commonwealth are things evermore personally separate?”<sup>17</sup>

No, it doth not hereby appear that there is perpetually any such separation; we may speak of them as two, we may sever the rights and causes of the one well enough from the other, in regard of that difference which we grant there<sup>v</sup> is between them, albeit we make no personal difference. For the truth is, that the Church and the commonwealth are names which import things really different; but those things are accidents, and such accidents as may and should always<sup>e</sup> lovingly dwell together in one subject. Wherefore the real difference between the accidents signified by those names, doth not prove different subjects for them always to reside in. [11] For albeit the subjects wherein they are resident be sometime<sup>v</sup> different, as when the people of God have their being among infidels; yet the nature of them is not such but that their subject may be one, and therefore it is but a changeable

<sup>14</sup> T. C. lib. iii. p. 151.

<sup>15</sup> Soer. lib. v. præfat. Sozom. lib. iii. c. 20.

<sup>16</sup> Euseb. de Vita Constant. lib. iii. [c. 65.] K.

<sup>17</sup> Aug. Ep. 167. [al. 89.] K.

accident, in those accidents, when the subjects they are in be diverse.

There can be no error in our conceit concerning this point, if we remember still what accident that is, for which a society hath the name of a commonwealth, and what accident that which doth cause it to be termed a Church. A commonwealth we name it simply in regard of some regiment or policy under which men live; a church for the truth of that religion which they profess. Now names betokening accidents unabstracted, do betoken not [11v] only those<sup>v</sup> accidents,<sup>v</sup> but also together with them the subjects whereunto they cleave. As when we name a schoolmaster and a physician, these names do not only betoken two accidents, teaching and curing, but also some person or persons<sup>e</sup> in whom these accidents are. For there is no impediment but both may be one man, as well as they are for the most part diverse. The commonwealth and the Church therefore being such names, they do not only betoken those accidents of civil government and Christian religion which we have mentioned, but also together with them such multitudes as are the subjects of those accidents. Again, their nature being such that they may well enough dwell together in one subject, it followeth that their names, though always implying that difference [12] of accidents which hath been set down, yet do not always imply different subjects also. When we oppose the Church<sup>v</sup> therefore and the commonwealth in a Christian society, we mean by the commonwealth that society with relation unto all the public affairs thereof, only the matter of true religion excepted; by the Church, the same society with only reference unto the matter of true religion, without any other affairs besides: when that society which is both a church and a commonwealth [doth]<sup>v</sup> flourish in those things which belong unto it as a commonwealth, we then say, "the commonwealth doth flourish;"

when in those things which concern it as a church, "the Church doth flourish;" when in both, then "the Church and commonwealth<sup>v</sup> flourish together."

[12v] The Prophet Esay, to note corruptions in the commonwealth, complaineth,<sup>18</sup> "That where judgment and justice had<sup>e</sup> lodged now were murderers; princes were become companions of thieves; every one loved gifts and rewards; but the fatherless was not judged, neither did the widow's cause come before them." To shew abuses in the Church, Malachy doth make his complaint:<sup>19</sup> "Ye offer unclean bread upon mine altar: if ye offer the blind for sacrifice, it is not amiss<sup>v</sup> as ye think; if the lame and the sick, nothing is amiss." The treasures which David<sup>20</sup> did bestow upon the temple do argue the love which he bare to the Church: the pains that Nehemias<sup>21</sup> took for building the walls of the city are tokens of his care for the commonwealth. Causes of the commonwealth, [13] or province, are such as Gallio was content to be judge of:<sup>22</sup> "If it were a matter of wrong, or an evil deed, O ye Jews, I would according to reason maintain you." Causes of the Church are such as Gallio there rejecteth:<sup>23</sup> "If it be a question of your law, look you<sup>v</sup> unto it, I will be no judge of those things." In respect of these differences therefore the Church and the commonwealth may in speech be compared or opposed aptly enough the one to the other; yet this is no argument that they are two independent societies.

3. *Proofs of perpetual separation and independency between the commonwealth and the Church, taken from the effects of*

<sup>18</sup> Isa. i. 21, [23.] K.

<sup>19</sup> Mal. i. 7, [8.] K.

<sup>20</sup> 1 Chron. xxix. 3.

<sup>21</sup> Neh. ii. 17.

<sup>22</sup> Acts xviii. 14.

<sup>23</sup> [Ver. 15.] K.



*punishments inflicted and released by the one or<sup>e</sup> the other.*—Some other reasons there are, which seem a little more nearly to make for the purpose, as long as they are but heard and not sifted. For what though a man being [13v] severed by excommunication from the Church, be not thereby deprived of freedom in the city; nor being there<sup>e</sup> discommoned, is thereby<sup>v</sup> forthwith excommunicated and excluded from the Church?<sup>24</sup> what though the Church be bound to receive them upon repentance, whom the commonwealth may refuse again to admit if it chance the same men to be shut out of both? That division of the church and commonwealth, which they contend for, will very hardly hereupon follow.

For we must note that members of a Christian commonwealth have a triple state; a natural, a civil, and a spiritual. No man's natural estate is cut off otherwise than by that capital execution, after which he that is gone from the body of the commonwealth doth not, I think, [14] remain still in the body of the visible Church.

And concerning a man's civil estate, the same is subject partly to inferior abatements of liberty, and partly unto diminution in the very highest degree, such as banishment is; which, sith it casteth out quite and clean from the body of the commonwealth, must needs also consequently cast the banished party even out of the very Church he was of before, because that Church and the commonwealth he was of were both one and the same society: so that whatsoever doth separate utterly a man's person from the one, it separateth also from the other. As for such abatements of civil state as take away only some privilege, dignity, or other benefit which a man enjoyeth in the common[14v]wealth, they reach only unto our dealing with public affairs, from which what should let but that men may be excluded

<sup>24</sup> T. C. lib. iii. p. 152. [151.] K.



and thereunto restored again, without diminishing or augmenting the number of persons in whom either church or commonwealth consisteth? He that by way of punishment loseth his voice in a public election of magistrates, ceaseth not thereby to be a citizen. A man disfranchised<sup>e</sup> may notwithstanding enjoy as a subject the common benefit of protection under laws and magistrates. So that these inferior diminutions which touch men civilly, but neither do clean extinguish their estate as they belong to the commonwealth, nor impair a whit their condition as they are of the Church of God: these I say clearly do prove a difference<sup>e</sup> [15] of the affairs of the one from the other, but such a difference as maketh nothing for their surmise of distracted societies.

And concerning excommunication, it cutteth off indeed — from the Church, and yet not from the commonwealth; howbeit so, that the party excommunicate is not thereby severed from one body which subsisteth in itself, and retained<sup>e</sup> of another in like sort subsisting; but he that before had fellowship with that society whereof he was a member, as well touching things spiritual as civil, is now by force of excommunication, although not severed from the same body in civil affairs, nevertheless for the time cut off from it<sup>e</sup> as touching communion in those things which belong to the said body, as it is the Church.

A man which having been both excommunicated by the Church, and de[15v]prived of civil dignity in the commonwealth, is upon his repentance necessarily readunited<sup>e</sup> into the one, but not of necessity into the other. What then? that which he is adunited<sup>e</sup> unto is a communion in things divine, whereof saints are partakers; that from which he is withheld is the benefit of some human privilege or right which other citizens haply enjoy. But are not those Saints and Citizens<sup>e</sup> one and the same people? are they not one and the

same society? doth it hereby appear that the Church which receiveth an excommunicate man,<sup>v</sup> can<sup>c</sup> have no dependency of any person which is of chief authority and power, in those things of the commonwealth whereunto the said<sup>v</sup> party is not admitted?

Wherefore to end this point, I conclude: First, that under dominions of infidels, the Church of Christ, and their common[16]wealth, were two societies independent. Secondly, that in those commonwealths where the bishop of Rome beareth sway, one society is both the Church and the commonwealth; but the bishop of Rome doth divide the body into two diverse bodies, and<sup>c</sup> doth not suffer the Church to depend upon the power of<sup>c</sup> any civil prince or potentate. Thirdly, that within this realm of England the case is neither as in the one, nor as in the other of the former two: but from the state of pagans we differ, in that with us one society is both the Church and commonwealth, which with them it was not; as also from the state of those nations which subject themselves to<sup>c</sup> the bishop of Rome, in that our Church hath dependency upon the chief in our commonwealth, which it hath not under him.<sup>v</sup> In a word, our estate is according to the pattern of God's own ancient elect people, which people was not part of them the commonwealth, and part of them the<sup>c</sup> [16v] Church of God, but the selfsame people whole and entire were both under one chief Governor, on whose supreme authority they did all depend.

Now the drift of all that hath been alleged to prove perpetual separation and independency between the Church and the commonwealth is, that this being held necessary, it might consequently be thought, that in a Christian kingdom he whose power is greatest over the commonwealth may not lawfully have supremacy of power also over the Church, as it is a church;<sup>v</sup> that is to say, so far as to order<sup>vo</sup> and dispose of spiritual affairs, as the highest uncommanded com-

mander in them. Whereupon it is grown a question, whether power ecclesiastical over the Church, power of dominion in such degree [17] as the laws of this land do grant unto the sovereign governor thereof, may by the said supreme Head and<sup>v</sup> Governor lawfully be enjoyed and held?

For resolution wherein, we are, first, to define what the power of dominion is: then<sup>v</sup> to shew by what right: after<sup>v</sup> what sort: in<sup>v</sup> what measure: with<sup>v</sup> what conveniency: according<sup>v</sup> unto whose example Christian kings may have it. And when these generalities are opened, to examine afterwards how lawful that is which we in regard of dominion do attribute unto our own: namely, the title of headship over the Church, so far as the bounds of this kingdom do reach: the<sup>v</sup> prerogative of calling and dissolving greater assemblies, about spiritual affairs public: [17v] the<sup>v</sup> right of assenting unto all those orders concerning religion, which must after be in force as laws: the<sup>v</sup> advancement of principal church-governors to their rooms of prelacy: judicial<sup>v</sup> authority higher than others are capable of: and exemption<sup>v</sup> from being punishable with such kind of censures as the platform of reformation doth teach that they ought to be subject unto.

## CHAPTER II

### WHAT THE POWER OF DOMINION IS

Without order there is no living in public society, because the want thereof is the mother of confusion, whereupon division of necessity followeth, and out of division, inevitable<sup>v</sup> destruction.<sup>1</sup> The Apostle<sup>2</sup> therefore giving instruction to public societies, requireth that all things be orderly done. Order can have no place in things, unless it be [18] settled amongst the persons that shall by office be conversant about them. And if things or persons be ordered, this doth imply that they are distinguished by degrees. For order is a gradual disposition.

The whole world consisting of parts so many, so different, is by this only thing upheld; he which framed them hath set them in order. Yea,<sup>v</sup> the very Deity itself both keepeth and requireth for ever this to be kept as a law, that where-soever there is a coagmentation of many, the lowest be knit to the highest by that which being interjacent may cause each to cleave unto other, and so all to continue one.

This order of things and persons in public societies is the work of polity, and the proper<sup>e</sup> instrument thereof [18v] in every degree is power; power being that ability which we have of ourselves, or receive from others, for performance of any action. If the action which we are to perform be conversant about matter of mere religion, the power of performing it is then spiritual; and if that power be such as hath not any other to overrule it, we term it dominion, or power supreme.<sup>v</sup>

<sup>1</sup> Luke xxii. [xi. 17.] K.

<sup>2</sup> 1 Cor. xiv. [40.] Q.



When therefore Christian kings are said to have spiritual dominion or supreme<sup>e</sup> power in ecclesiastical affairs and causes, the meaning is, that within their own precincts and territories they have authority and power to command even in matters of Christian religion, and that there is no higher nor greater that can in those causes over-command them, where they are placed to reign as kings. But withal we must likewise note that their power is termed [19] supremacy, as being the highest, not simply without exception of any thing. For what man is there so brain-sick, as not to except in such speeches God himself, the King of all the kings of the earth? Besides, where the law doth give him dominion, who doubteth but that the king who receiveth it must hold it of and under the law? according to that<sup>v</sup> axiom, "*Attribuat rex legi, quod lex attribuit ei, potestatem et dominium:*" and again, "*Rex non debet esse sub homine, sed sub Deo et lege.*"<sup>3</sup> Thirdly, whereas it is not altogether without reason, "that kings are judged to have by virtue of their dominion, although greater power than any, yet not than all the states of those societies conjoined, wherein such sovereign rule is given them;" there is [19v] not hereunto any thing contrary by us affirmed, no, not when we grant supreme authority unto kings, because supremacy is no otherwise intended or meant than to exclude partly foreign powers, and partly the power which belongeth in severale<sup>e</sup> unto others, contained as parts within that politic body over which those kings have supremacy. "Where the king hath power of dominion, or supreme power, there no foreign state or potentate, no state or potentate domestical, whether it consist of one or of many, can possibly have in the same affairs and causes authority higher than the king."

Power of spiritual dominion therefore is in causes ecclesi-

<sup>3</sup> [Bracton, de Leg. Angl. lib. i. c. 8. fol. 5. ed. 1569.] K.

astical that ruling authority, which neither any foreign state, nor yet any part of that politic [20] body at home, wherein the same is established, can lawfully overrule.

*By what right, namely, such as though men do give, God doth ratify.*—Unto which supreme power in kings two kinds of adversaries there are that have opposed themselves: one sort defending, “that supreme power in causes ecclesiastical throughout the world appertaineth of divine right to the bishop of Rome:” another sort, “that the said power belongeth in every national church unto the clergy thereof assembled.” We which defend as well against the one as<sup>v</sup> the other, “that kings within their own precincts may have it,” must shew by what right it may come unto them.

First, unto me it seemeth almost out of doubt and controversy, that every independent multitude, before any certain form of regiment [20v] established, hath, under God’s supreme authority, full dominion over itself, even as a man not tied with the bond of subjection as yet unto any other, hath over himself the like power. God creating mankind did endue it naturally with full power to guide itself,<sup>4</sup> in what kind of societies soever it should choose to live. A man which is born lord of himself may be made another’s servant: and that power which naturally whole societies have, may be derived into many, few, or one, under whom the rest shall then live in subjection.

Some multitudes are brought into subjection by force, as they who being subdued are fain to submit their necks unto what yoke it [21] pleaseth their conquerors to lay upon them; which conquerors by just and lawful wars do hold their power over such multitudes as a thing descending<sup>e</sup> unto them, divine providence itself so disposing. For it is God who giveth victory in the day of war. And unto whom

<sup>4</sup> [Comp. Allen, Apol. c. iv. p. 67.] K.

dominion in this sort is derived, the same they enjoy according unto that law of nations, which law authorizeth conquerors to reign as absolute lords over them whom they vanquish.

Sometimes it pleaseth God himself by special appointment to choose out and nominate such as to whom dominion shall be given, which thing he did often in the commonwealth of Israel. They who in this sort receive power have it immediately from God,<sup>5</sup> by mere divine right; they by human, on whom the same is bestowed according unto men's discretion, when they are left free by God to make choice of their own governor.<sup>6</sup> By which of these means soever it happen that kings or governors be advanced unto their states,<sup>7</sup> we must acknowledge both their lawful choice to be approved of God, and themselves for<sup>v</sup> God's lieutenants,<sup>5</sup> and confess their power his.<sup>v6</sup>

Again, on whom the same is bestowed even<sup>v</sup> at men's discretion, they likewise do hold it by divine right. If God in his own revealed word have appointed such power to be, although himself extraordinarily bestow it not, but leave the appointment of the persons unto men.<sup>7</sup>

As for supreme power in ecclesiastical affairs, the word of God doth no where appoint that all kings should have it, neither that any should not have it; for which cause it seemeth to stand altogether by human right, that unto

<sup>5</sup> "Corona est potestas delegata a Deo." Bracton.

<sup>6</sup> Dan. ii. 21. et iv. [25]; Isa. xlv. [1.] L; Rom. xiii. [1.] L.

<sup>7</sup> "Rex" (inquit Sthenidas Locrus de Regno) τὸ μὲν [σκᾶνος] [L] τοῖς λοιποῖς ὅμοιος οἷα γεγονώς ἐκ τᾶς αὐτᾶς ὕλης ὑπὸ τεχνίτα δ' εἰργασμένος λώστω ὃς ἐτεχνίτευσεν αὐτὸν ἀρχετύπῳ χρώμενος ἑαυτῷ." ["A king in regard of the tabernacle of his body is like to other men, as made of the same matter, but fashioned by the best workman, who artificially framed him, using himself for the pattern."] CLM. [The reference should be to "Ephantus de Regno."] 1930.

<sup>7</sup> [See App. D, p. 313.] 1930.



Christian [22] kings there is such dominion given. Yea, albeit God do neither appoint the thing nor assign the person; nevertheless when men have established both, who doth doubt but that sundry duties and offices depending thereupon are prescribed in the word<sup>e</sup> of God, and consequently by that very right to be exacted?<sup>e</sup>

For example's sake, the power which the Roman emperors had over foreign provinces was<sup>e</sup> not a thing which the law of God did ever institute, neither was Tiberius Cæsar by special commission from heaven therewith invested; and yet the payment of tribute unto Cæsar being<sup>v</sup> made emperor is the plain law of Jesus Christ. Unto kings by human right, honour by very divine right, is due; man's ordinances are many times presupposed as [22v] grounds in the statutes of God. And therefore of what kind soever the means be whereby governors are lawfully advanced unto their seats, as we by the law of God stand bound meekly to acknowledge them for God's lieutenants, and to confess their power his, so they by the same law are both authorized and required to use that power as far as it may be in any sort available to his honour. The law appointeth no man to be an husband, but if a man have betaken himself unto that condition, it giveth him then authority over his own wife. That the Christian world should be ordered by kingly regiment, the law of God doth not any where command; and yet the law of God doth give them right,<sup>v</sup> which once are exalted to that estate, to<sup>e</sup> exact at [23] the hands of their subjects general obedience in whatsoever affairs their power may serve to command. So<sup>v</sup> God doth ratify the works of that sovereign authority which kings have received by men.

*After what sort.*—This is therefore the right whereby kings do hold their power; but yet in what sort the same doth rest and abide in them it somewhat further behoveth to search. Wherein, that we be not enforced to make over large dis-



courses about the different conditions of sovereign or supreme power, that which we speak of kings shall be with respect to the state and according to the nature of this kingdom, where the people are in no subjection, but such as willingly themselves have condescended unto, for their own most behoof and security. [23v] In kingdoms therefore of this quality the highest governor hath indeed universal dominion, but with dependence upon that whole entire body, over the several parts whereof he hath dominion; so that it standeth for an axiom in this case, The king is "major singulis, universis minor."<sup>8</sup>

The king's dependency we do not construe as some have done, who are of opinion that no man's birth can make him a king, but every particular person advanced unto such authority hath at his entrance into his reign the same bestowed upon him, as an estate in condition, by the voluntary deed of the people, in whom it doth lie to put by any one, and to prefer some other before him, better liked of, or judged fitter for the place, and that the party so rejected hath herein no injury,<sup>v</sup> no [24] not although this be done in a place where the crown doth go κατὰ γένος, by succession, and to a person which being capable hath apparently, if blood be respected, the nearest right. They plainly affirm,<sup>9</sup> that "in all well-appointed kingdoms, the custom evermore hath been, and is, that children succeed not their deceased parents till the people after a sort have created them anew, neither that they grow to their fathers as natural and proper heirs, but are then to be reckoned for kings, when at the hands of such as represent the people's majesty they have by a sceptre and diadem received as it were the investiture of kingly power." Their very words are,<sup>10</sup> "That where such

<sup>8</sup> [Vindic. Contr. Tyr. p. 63, 65.] K.

<sup>9</sup> [Junius Brutus,] [EM] Vindic. p. 83.

<sup>10</sup> Vindic. p. 85.

power is settled into a family or kindred, the stock itself is thereby chosen, but not the twig [24v] that springeth of it. The next of the stock unto him which reigneth are not through nearness of blood made kings, but rather set forth to stand for the kingdom. Where regal dominion is hereditary, it is notwithstanding if ye look to the persons themselves which have it altogether elective."<sup>11</sup> To this purpose are alleged<sup>12</sup> heaps of Scriptures concerning the solemn coronation or inauguration of Saul, of David, of Solomon, of others, by the nobles, ancients, and people of the commonwealth of Israel; as if these solemnities were a kind of deed, whereby the right of dominion is given. Which strange, untrue, and unnatural conceits, set abroad by seedsmen of rebellion, only to animate unquiet spirits, and to feed them with [25] a possibility of aspiring unto thrones and sceptres,<sup>v</sup> if they can win the hearts of the people, what hereditary title soever any other before them may have, I say, these unjust and insolent positions I would not mention, were it not thereby to make the countenance of truth more orient: for unless we will openly proclaim defiance unto all law, equity, and reason, we must (there is no remedy) acknowledge, that in kingdoms hereditary birth giveth right unto sovereign dominion; and the death of the predecessor putteth the successor by blood in seisin. Those public solemnities before mentioned do but either<sup>v</sup> serve for an open testification of the inheritor's right, or belong to the form of inducting him into possession of that thing he hath right unto. And therefore [25v] in case it do happen that without right of blood a man in such wise be possessed, all those things<sup>v</sup> are utterly void, they make him no indefeasible estate, the inheritor by blood may dispossess him as an usurper.

<sup>11</sup> Pag. 81.

<sup>12</sup> Pag. 78.

The case thus standing, albeit we judge it a thing most true, that kings, even inheritors, do hold their right to<sup>v</sup> the power of dominion, with dependency upon the whole entire body politic over which they rule as kings; yet so it may not be understood, as if such dependency did grow, for that every supreme governor doth personally take from thence his power by way of gift, bestowed of their own free accord upon him at the time of his entrance into his<sup>v</sup> said place of sovereign government. But the cause of dependency is in<sup>v</sup> [26] that first original conveyance, when power was derived by the whole into one; to pass from him unto them, whom out of him<sup>e</sup> nature by lawful birth<sup>v</sup> should produce, and no natural or legal inability make incapable. Neither can any man with reason think, but that the first institution of kings is a sufficient consideration wherefore their power should always depend on that from which it did then flow.<sup>13</sup> Original influence of power from the body into the king, is cause of the king's dependency in power upon the body.

By dependency we mean subordination and subjection. A manifest token of which dependency may be this: as there is no more certain argument that lands are held under any as lord, than if we see that such lands in defect of [26v] heirs do fall by escheat unto him; in like manner it doth rightly follow, that seeing dominion, when there is none to inherit it, returneth unto the body, therefore they which before were inheritors thereof did hold it with dependency upon the body. So that by comparing the body with the head, as touching power, it seemeth always to reside in both, fundamentally or radically in the one, in the other derivatively; in the one the habit, in the other the act of power.

May then a body politic at all times withdraw in whole or in part that influence of dominion which passeth from it, if

<sup>13</sup> Vide Cicer. de Offic. [lib. ii. c. 12.] K.



inconvenience doth<sup>v</sup> grow thereby? It must be presumed, that supreme governors will not in such case oppose themselves, and be stiff in detaining that, the use [27] whereof is with public detriment: but surely without their consent I see not how the body should be able by any just means to help itself, saving when dominion doth escheat. Such things therefore must be thought upon beforehand, that power may be limited ere it be granted; which is the next thing we are to consider.

*In what measure.*—In power of dominion, all kings have not an equal latitude. Kings by conquest make their own charter: so that how large their power, either civil or spiritual, is, we cannot with any certainty define, further than only to set them in general the law of God and nature for bounds. Kings by God's own special appointment have also that largeness of power, which he doth [27v] assign or permit with approbation. Touching kings which were first instituted by agreement and composition made with them over whom they reign, how far their power may lawfully<sup>v</sup> extend, the articles of compact between them must<sup>v</sup> shew: not the articles only of compact at the first beginning, which for the most part are either clean worn out of knowledge, or else known unto very few, but whatsoever hath been after in free and voluntary manner condescended unto, whether by express consent, whereof positive laws are witnesses, or else by silent allowance famously notified through custom reaching beyond the memory of man. By which means of after-agreement, it cometh many times to pass in kingdoms, that they whose ancient [28] predecessors were by violence and force made subject, do grow even<sup>v</sup> by little and little into that most sweet<sup>e</sup> form of kingly government which philosophers define to be "regency willingly sustained and endured, with chieftly of power in the greatest things."<sup>14</sup>

<sup>14</sup> [Arist.] Pol. lib. i. c. 10. [lib. iii. c. 10.] EMQ.



Many of the ancients in their writings do speak of kings with such high and ample terms, as if universality of power, even in regard of things and not of persons only, did appertain to the very being of a king.<sup>15</sup> The reason is, because their speech concerning kings they frame according to the state of those monarchs to whom unlimited authority was given: which some not observing, imagine that all kings, even in that they are kings, ought to have whatsoever power they find<sup>v</sup> any sovereign ruler [28v] lawfully to have enjoyed. But that most judicious philosopher, whose eye scarce any thing did escape which was to be found in the bosom of nature, he considering how far the power of one sovereign ruler may be different from another's regal authority, noteth in Spartan kings,<sup>16</sup> "that of all others lawfully reigning<sup>v</sup> they had the most restrained power." A king which hath not supreme power in the greatest things, is rather entitled a king, than invested with real sovereignty. We cannot properly term him a king, of whom it may not be said, at the leastwise, as touching certain the very chiefest affairs of state, αὐτῷ μὲν ἄρχειν, ἄρχεσθαι δὲ ὑπ' οὐδενός,<sup>17</sup> "his right in them is to have rule, not subject to any other predominant." [29] I am not of opinion that simply always<sup>v</sup> in kings the most, but the best limited power is best:<sup>v</sup> the most limited is, that which may deal in fewest things; the best, that which in dealing is tied unto the soundest, perfectest, and most indifferent rule; which rule is the law; I

<sup>15</sup> [EM have "Pythagoras apud Ephant. de Regno."'] Ὁ κατ' ἀρετὰν ἐξάρχων καλεῖται [τε] βασιλεὺς, καὶ ἐντι, ταύταν ἔχων φιλίαν τε καὶ κοινωνίαν ποτὶ τοὺς ὑπὸ αὐτόν, ἄνπερ ὁ Θεὸς ἔχει ποτὶ τε τὸν κόσμον καὶ τὰ ἐν αὐτῷ. ["He that ruleth according to virtue is called a king, and hath such friendship and community towards those that be under him, as God hath towards the world and those things that be in it."] CLM.

<sup>16</sup> Polit. lib. iii. c. 14.

<sup>17</sup> [Ephantus Pythagoricus.] CLMQ ["Unto him it belongeth to rule, but to be ruled of no man."] CLM.

mean not only the law of nature and of God, but very<sup>v</sup> national or municipal law consonant thereunto. Happier that people whose law is their king in the greatest things, than that whose king is himself their law. Where the king doth guide the state, and the law the king, that commonwealth is like an harp or melodious instrument, the strings whereof are tuned and handled all by one,<sup>v</sup> following as laws the rules and [29v] canons of musical science. Most divinely therefore Archytas maketh unto public felicity these four steps,<sup>v</sup> every later whereof<sup>v</sup> doth spring from the former, as from a mother<sup>c</sup> cause; ὁ μὲν βασιλεὺς νόμιμος, ὁ δὲ ἄρχων ἀκόλουθος, ὁ δὲ ἀρχόμενος ἐλεύθερος, ἃ δ' ὅλα κοινωνία εὐδαίμων;<sup>18</sup> adding on the contrary side, that "where this order is not, it cometh by transgression thereof to pass that the king groweth a tyrant; he that ruleth under him abhorreth to be guided and commanded by him; the people subject under both, have freedom under neither; and the whole community is wretched."

In which respect, I cannot choose but commend highly their wisdom, by whom the foundations of this commonwealth have been laid; wherein [30] though no manner<sup>v</sup> person<sup>c</sup> or cause be unsubject to the king's power, yet so is the power of the king over all and in all limited, that unto all his proceedings the law itself is a rule. The axioms of our regal government are these: "Lex facit regem:" the king's grant of any favour made contrary to the law is void; "Rex nihil potest nisi quod jure potest." Our kings therefore, when they take possession of the room they are called unto, have it painted out before their eyes, even by the very solemnities and rites of their inauguration, to what affairs by the said<sup>v</sup> law their supreme authority and power reacheth. Crowned we see they are, and enthronized, and anointed:

<sup>18</sup> ["The king ruling by law, the magistrate following, the subject free, and the whole society happy."] CELMQ.

the crown a sign of military;<sup>v</sup> the throne, of sedentary or judicial; [30v] the oil, of religious or sacred power.

It is not on any side denied, that kings may have such<sup>v</sup> authority in secular affairs. The question then is, "What power they lawfully may have, and exercise in causes of God." "A prince, a<sup>v</sup> magistrate, or community," saith D. Stapleton,<sup>19</sup> "may have power to lay corporal punishments<sup>v</sup> on them which are teachers of perverse things; power to make laws for the peace of the Church; power to proclaim, to defend, and even by revenge to preserve from violation *dogmata*, very articles of religion themselves." Others<sup>20</sup> in affection no less devoted unto the papacy, do likewise yield, that "the civil magistrate may by his edicts and laws keep all ecclesiastical persons within [31] the bounds of their duties, and constrain them to observe the canons of the Church, to follow the rules of ancient discipline." That<sup>21</sup> "if Joas were commended for his care and provision concerning so small a part of religion as the church-treasury; it must needs be both unto Christian kings themselves greater honour, and to Christianity a larger benefit, when the custody of religion whole<sup>v</sup> and of the worship of God in general is their charge." If therefore all these things mentioned be most properly the affairs of God, and<sup>v</sup> ecclesiastical causes; if the actions specified be works of power; and if that power be such as kings may use of themselves, without the leave<sup>v</sup> of any other power superior in the same things: it followeth necessarily, that kings may have su[31v]preme power, not only in civil, but also in ecclesiastical affairs; and consequently, that they may withstand what bishop or pope soever shall, under the pretended claim of higher spiritual authority, oppose himself against their proceedings. But

<sup>19</sup> Stapl. de Doct. Princip. lib. v. c. 17.

<sup>20</sup> Choppin. de Sacra Pol. for. Præfat.

<sup>21</sup> [2 Reg. xii. 4. 2 Chron. xxiv. 8.] Q.



they which have made us the former grant, will hereunto<sup>v</sup> never condescend. What they yield that princes may do, it is with secret exception always understood, if the bishop of Rome give leave, if he interpose no prohibition: wherefore somewhat it is in show, in truth nothing, which they grant.

Our own reformers do the very like. When they make their discourses in general concerning the authority which magistrates may have, a man would think them far from [32] withdrawing any jot of that which with reason may be thought due. "The prince and civil magistrate," saith one of them,<sup>22</sup> "hath to see that the laws of God touching his worship, and touching all matters and orders of the Church be executed, and duly observed; and to see that every ecclesiastical person do that office whereunto he is appointed, and to punish those which fail in their office accordingly." Another acknowledgeth,<sup>23</sup> that "the magistrate may lawfully uphold all truth by his sword, punish all persons, enforce all to do their duties unto God and men; maintain by his laws every point of God's word, punish all vice in all men; see into all causes, visit the ecclesiastical state,<sup>v</sup> and correct the abuses thereof; finally, to look to his subjects, that under him they may lead [32v] their lives in all godliness and honesty." A third more frankly professeth,<sup>24</sup> that in case their church-discipline were established, so little it shorteneth the arms of sovereign dominion in causes ecclesiastical, that her gracious Majesty, for any thing which<sup>v</sup> they teach or hold to the contrary, may no less than now "remain still over all persons, in all things supreme governess, even with that full and royal authority, super-

<sup>22</sup> T. C. lib. i. p. 192. [154.] K.

<sup>23</sup> Fenner's "Defence of the Godly Ministers [against the slanders of D. Bridges, contained in his answer to the preface before the Discourse of Ecclesiastical Government." 1587.] K.

<sup>24</sup> [Penry,] Humble Motion, [1590,] p. 63.



iority, preeminence, supremacy, and prerogative, which the laws already established do give her, and her Majesty's injunctions, and the articles of the Convocation-house, and other writings apologetical of her royal authority and supreme dignity, do declare and explain."

Posidonius was wont to say of the epicure, "That he thought there were no [33] gods, but that those things which he spake concerning the gods were only given out for fear of growing odious amongst men; and therefore that in words he left gods remaining, but in very deed overthrew them, inasmuch as he gave them no kind of motion, no kind of action."<sup>25</sup> After the very selfsame manner, when we<sup>e</sup> come unto those particular effects and prerogatives of dominion which the laws of this land do grant unto the kings thereof, it will appear how those<sup>v</sup> men, notwithstanding their large<sup>e</sup> and liberal speeches, abate such parcels out of the fore-alleged grand and flourishing sum, that a man comparing the one with the other may half stand in doubt, lest their opinions<sup>v</sup> in very truth be against that authority which by their speeches they seem mightily to [33v] uphold, partly for the avoiding of public obloquy, envy, and hatred; partly to the intent they may both in the end, by<sup>v</sup> establishment<sup>e</sup> of their discipline, extinguish the force of supreme power which princes have, and yet in the meanwhile by giving forth these smooth discourses, obtain that their favourers may have somewhat to allege for them by way of apology, and that in such words as sound towards all kind of fulness in power. But for myself, I had rather construe such their contradictions in the better part, and impute their general acknowledgment of the lawfulness of kingly power unto the force of truth, presenting itself before them sometimes alone; their particular contrarieties, oppositions, denials, unto that

<sup>25</sup> Cicero, lib. i. de Nat. Deorum. [c. 44.] K.

error which having so fully possessed [34] their minds, casteth things inconvenient upon them; of which things in their due place.

Touching that which is now in hand, we are on all sides fully agreed: first, that there is not any restraint or limitation of matter for regal authority and power to be conversant in, but of religion whole, and of whatsoever cause thereto<sup>v</sup> appertaineth, kings may lawfully have charge, they lawfully may therein exercise dominion, and use the temporal sword:<sup>c</sup> secondly, that some kinds of actions conversant about such affairs are denied unto kings; as, namely, actions of the power of order, and of that power of jurisdiction, which is with it unseparably joined; power to administer the word and sacraments, power to ordain, to judge as an ordinary, to bind and loose, to excommunicate, and such like: thirdly, that [34v] even in these<sup>v</sup> very actions which are proper unto dominion, there must be some certain rule, whereunto kings in all their proceedings ought to be strictly tied; which rule for proceedings in ecclesiastical affairs and causes by regal power, hath not hitherto been agreed upon with so uniform consent and certainty as might be wished. The different sentences of men herein I will not now go about to examine, but it shall be enough to propose what rule doth seem in this case most reasonable.<sup>26</sup>

*By what rule.*<sup>27</sup>—It hath been declared already in general, how “the best established dominion [is]<sup>v</sup> where the law doth most rule the king:” the true effect whereof particularly is found as well in ecclesiastical as in<sup>v</sup> civil affairs. In these the king, through his su[35]preme power, may do great things and sundry<sup>v</sup> himself, both appertaining unto peace and war, both at home, by commandment and by commerce with states abroad, because so much the law doth permit.

<sup>26</sup> [See App. D, p. 310.] 1930.

<sup>27</sup> [From ELM.] 1930.

Some things on the other side, the king alone hath no power to do without consent of the lords and commons assembled in parliament: the king of himself cannot change the nature of pleas, nor courts, no not so much as restore blood; because the law is a bar unto him; not any law divine or natural, for against neither it were though kings of themselves might do both, but the positive laws of the realm have abridged<sup>v</sup> therein and restrained<sup>v</sup> the king's power; which positive laws, whether by custom or otherwise established without repugnancy [35v] unto the law of God and nature, ought no less to be of force even in the spiritual affairs of the Church. Wherefore in regard of ecclesiastical laws, we willingly embrace that of Ambrose, "Imperator bonus<sup>28</sup> intra ecclesiam, non supra ecclesiam, est; kings have dominion to exercise in ecclesiastical causes, but according to the laws of the Church." Whether it be therefore the nature of courts, or the form of pleas, or the kind of governors, or the order of proceedings in whatsoever spiritual<sup>v</sup> businesses; for the received laws and liberties of the Church the king hath supreme authority and power, but against them, none.

What such positive laws have appointed to be done by others than the king, or by others with the [36] king, and in what form they have appointed the doing of it, the same of<sup>e</sup> necessity must be kept, neither is<sup>e</sup> the king's sole authority to alter it.

Yea even as it were a thing unreasonable, if in civil affairs the king (albeit the whole universal body did join with him) should do any thing by their absolute supreme power for the ordering of their state at home, in prejudice of any of those ancient laws of nations which are of force throughout the world, because the necessary commerce of kingdoms dependeth on them; so in principal matters

<sup>28</sup> [Ambros. Ep. 32. d. 160.] C [II. 873. N. B. The word "bonus" is not in the MSS. of St. Ambrose.] K.



belonging to Christian religion, a thing very scandalous and offensive it must needs be thought, if either kings or laws should dispose of the affairs<sup>v</sup> of God, without any [36v] respect had to that which of old hath been reverently thought of throughout the world, and wherein there is no law of God which forceth us to swerve from the way<sup>v</sup> wherein so many and so holy ages have gone.

Wherefore not without good consideration the very law itself hath provided, "That judges ecclesiastical appointed under the king's commission shall not adjudge for heresy any thing but that which heretofore hath been so adjudged by the authority of the canonical scriptures, or by the first four general councils, or by some other general council wherein the same hath been declared heresy by the express words of the said canonical scriptures, or such as hereafter shall be termed<sup>v</sup> heresy by the [37] high court of parliament of this realm, with the assent of the clergy in the convocation."<sup>29</sup> By which words of the law who doth not plainly see, how in that one branch of proceeding by virtue of the king's supreme authority, the credit which those four general councils have throughout all churches evermore had, was judged by the makers<sup>v</sup> of the foresaid act a just cause wherefore it<sup>v</sup> should be mentioned in that case, as a requisite part of the rule wherewith dominion was to be limited. But of this we shall further consider, when we come unto that which sovereign power may do in making ecclesiastical laws.

*With what conveniency.*—The cause of deriving supreme power from an<sup>v</sup> whole entire multi[37v]tude unto some special part thereof, is partly the necessity of expedition in public affairs; partly the inconveniency of confusion and trouble, where a multitude of equals dealeth; and partly the dissipation which must needs ensue in companies, where

<sup>29</sup> An. 1. Reg. Eliz. [1 Eliz. c. 1. § 36.] K.



every man wholly seeketh his own particular (as we all would do, even with other men's hurt) and haply the very overthrow of ourselves in the end also, if for procurement of the common good of all men, by keeping every several man in order, some were not armed with authority over all, and encouraged with prerogatives of honour to sustain the weighty burden of that charge. The good which is proper unto each man belongeth to the common good of all, as a part of<sup>v</sup> the whole's [38] perfection; but yet these two are things different; for men by that which is proper are severed, united they are by that which is common. Wherefore, besides that which moveth each man in particular to seek his private, there must of necessity in all public societies be also a general mover, directing unto the common good, and framing every man's particular to it. The end whereunto all government was instituted, was *bonum publicum*, the universal or common good. Our question is of dominion, for that end and purpose derived into one.<sup>30</sup> Such as in one public state<sup>c</sup> have agreed that the supreme charge of all things should be committed unto one, they I say, considering what inconveniences may grow where states are subject [38v] unto sundry supreme authorities, were<sup>v</sup> for fear of those inconveniences withdrawn from liking to establish many; οὐκ ἀγαθὸν πολυκοιρανίη,<sup>31</sup> the multitude of supreme commanders is troublesome. "No man," saith our Saviour, "can serve two masters:" surely two supreme masters would make any one man's service somewhat uneasy in such cases as might fall out. Suppose that to-morrow the power which hath dominion in justice require thee at the court; that which in war, at the field; that which in religion, at the

<sup>30</sup> Ob utilitatem publicam Reip. per unum consuli oportere, prudentissimi jurisconsulti docuerunt. [Just. Dig. i. 2.] de Orig. Juris. l. ii. § 11. *Novissime*.

<sup>31</sup> ["The government of many is not good."] CLM.

temple: all have equal authority over thee, and impossible it is, that thou shouldest be in such case obedient to<sup>v</sup> all: by choosing any one whom thou wilt obey, certain thou art for thy disobedience to incur the<sup>e</sup> displeasure of the other two.

### CHAPTER III

#### ACCORDING UNTO WHAT EXAMPLE OR PATTERN<sup>1</sup>

[39] But there is nothing for which some colourable reason or other may not be found. Are we able to shew any commendable state of government, which by experience and practice hath felt the benefit of being in all causes subject unto the supreme authority of one? Against the polity of Israel, I hope there will no man except, where Moses deriving so great a part of his burden in government unto others, did notwithstanding retain to himself universal supremacy. Jehoshaphat appointing one to be chief in the affairs of God, and another in the king's affairs, did this as having himself dominion over them in both. If therefore, with approbation from heaven, the kings of God's own chosen people had in the [39v] affairs of Jewish religion supreme power, why not Christian kings the like power also in Christian religion? Unless men will answer, as some have done,<sup>2</sup> "that touching the Jews, first their religion was of far less perfection and dignity than ours is, ours being that truth whereof theirs was but a shadowish prefigurative resemblance." Secondly,<sup>3</sup> "That all parts of their religion, their laws, their sacrifices, their rites and ceremonies, being fully set down to their hands, and needing no more

<sup>1</sup> [Chapter III is logically a continuation of Chapter II.] 1930.

<sup>2</sup> Staplet[on] [de] Princ. Doct. lib. v. c. 22. p. 197. "Ut Judæorum sacerdotium imperfectius erat, quia umbraticum tantum et melioris præfigurativum, suoque tempore in melius commutandum: sic ipsius sacerdotii regimen imperfectius fuit, ut illud viz: etiam aliqua ex parte ad Reges pertinere non incongrue posset."

<sup>3</sup> Stapl. *ibid.*

but only to be put in execution, the kings might well have highest authority to see that done: whereas with us there are a number of mysteries even in belief, which were not so generally for them, as for us, necessary to be with sound [40] express acknowledgment understood; a number of things belonging unto external regiment, and one<sup>v</sup> manner of serving God, not set down by particular ordinances, and delivered unto us in writing; for which cause the state of the Church doth now require that the spiritual authority of ecclesiastical persons be large, absolute, and not subordinate to regal power." Thirdly,<sup>4</sup> "that whereas God armeth religion Jewish, with temporal, Christian, with a<sup>ve</sup> sword but of spiritual punishment; the one with power to imprison, to scourge, and to put to death, the other with bare authority to censure and excommunicate; there is no reason that the Church, which now hath no visible sword, should in regiment be subject unto any other power, than only unto theirs which have authority to bind and loose." [40v] Fourthly,<sup>5</sup> "that albeit while the Church was restrained<sup>c</sup> unto one people, it seemed not incommodious to grant their kings the general<sup>c</sup> chieftie of power; yet now, the Church having spread itself over all nations, great inconveniency might<sup>v</sup> thereby grow, if every Christian king in his several territory should have the like power." Of all these differences, there is not one which doth prove it a thing repugnant unto the law either of God or nature, that all supremacy of external power be in Christian kingdoms granted unto the kings thereof, for preservation of quietness, unity, order, and peace, in such manner as hath been shewed.

[41]<sup>6</sup> The service which we do unto the true God who made heaven and earth is far different from that which

<sup>4</sup> [Idem *ibid.*] ELMQ.

<sup>5</sup> [Stapl. *ibid.*] CLQ.

<sup>6</sup> [See App. C, p. 307.] 1930.



heathens have done unto their supposed gods, though nothing else were respected but only the odds between their hope and ours. The offices of piety or true religion sincerely performed have the promises both of this life and of the life to come: the practices of superstition have neither. If notwithstanding the heathens, reckoning upon no other reward for all which they did but only protection and favour in the temporal estate and condition of this present life, and perceiving how great good did hereby publicly grow, as long as fear to displease (they knew not what) divine power was some kind of bridle unto them, did therefore provide that the highest degree of care for their religion should [41v] be the principal charge of such as having otherwise also the greatest and chiefest power were by so much the more fit to have custody thereof: shall the like kind of provision be in us thought blameworthy?

[*Ad primum.*] *K.*—A gross error it is, to think that regal power ought to serve for the good of the body, and not of the soul; for men's temporal peace, and not for their external safety: as if God had ordained kings for no other end and purpose but only to fat up men like hogs, and to see that they have their mast? Indeed, to lead men unto salvation by the hand of secret, invisible, and ghostly regiment, or by the external administration of things belonging unto priestly order, (such as the word and sacraments are,) this is denied unto Chri[42]stian kings: no cause in the world to think them incapable of supreme authority in the outward government which disposeth the affairs of religion so far forth as the same are disposable by human authority, and to think them incapable thereof, only for that the said religion is everlastingly beneficial to them that faithfully continue in it. And even as little cause there is, that being admitted thereunto amongst the Jews, they should amongst the Christians of necessity be delivered from ever exercising

any such power, for the dignity and perfection which is in our religion more than in theirs.<sup>7</sup>

*Ad secundum.*—It may be a question, whether the affairs of Christianity require more wit, more study, more knowledge of divine things in him which shall order them, than the Jewish religion did. [42v] For although we deny not the form of external government, together with all other rites and ceremonies, to have been in more particular manner set down; yet withal it must be considered also, that even this very thing did in some respects make the burthen of their spiritual regiment the harder to be borne; by reason of infinite doubts and difficulties which the very obscurity and darkness of their law did breed, and which being not first decided, the law could not possibly have due execution.

Besides, inasmuch as their law did also dispose even of all kind of civil affairs; their clergy, being the interpreters of the whole law, sustained not only the same labour which divines do amongst us, but even the burthen of our lawyers too. Nevertheless, be it granted that moe things do now require to be [43] publicly deliberated and resolved upon with exacter judgment in matters divine than kings for the most part have: their personal inability to judge, in such sort as professors do, letteth not but that their regal authority may have the selfsame degree or sway which the kings of Israel had in the affairs of their religion, to rule and command according to the manner of supreme governors.

*Ad tertium.*—As for the sword, wherewith God armed his Church of old, if that were a reasonable cause why kings might then have dominion, I see not but that it ministreth still as forcible an argument for the lawfulness and expediency of their continuance therein now. As we degrade and excommunicate, even so did the Church of the Jews

<sup>7</sup> 2 Cor. iii. 7, 8.

both separate offenders from the temple, and depose the clergy also from their rooms, when [43v] cause required. The other sword of corporal punishment is not by Christ's own appointment in the hands of the Church of Christ, as God did place it himself in the hands of the Jewish Church. For why? He knew that they whom he sent abroad to gather a people unto him only by persuasive means, were to build up his Church even within the bosom of kingdoms, the chiefest governors whereof would be open enemies unto it every where for the space of many years. Wherefore such commission for discipline he gave them, as they might any where exercise in quiet and peaceable manner; the subjects of no commonwealth being touched in goods or person, by virtue of that spiritual regiment whereunto Christian religion embraced did make them subject.

Now when afterwards it came [44] to pass, that whole kingdoms were made Christian, I demand whether that authority, which served before for the furtherance of religion, may not as effectually seem to the maintenance of Christian religion. Christian religion hath the sword of spiritual discipline. But doth that suffice? The Jewish which had it also, did nevertheless stand in need to be aided with the power of the civil sword. The help whereof, although when Christian religion cannot have, it must without it sustain itself as far as the other which it hath will serve; notwithstanding, where both may be had, what forbiddeth the Church to enjoy the benefit of both? Will any man deny that the Church doth need the rod of corporal punishment to keep her children in obedience withal? Such a [44v] law as Macabeus<sup>8</sup> made amongst the Scots, that he which continued an excommunicate two years

<sup>8</sup> [See in Hector Boeth. Scot. Hist. lib. xii. fol. 250. ed. Paris, 1574.] K.



together, and reconciled not himself to the church, should forfeit all his goods and possessions.

Again, the custom which many Christian churches have to fly to the civil magistrate for coercion of those that will not otherwise be reformed,—these things are proof sufficient that even in Christian religion, the power wherewith ecclesiastical persons were endued at the first is unable to do of itself so much as when secular power doth strengthen it; and that, not by way of ministry or service, but of predominancy, such as the kings of Israel in their time exercised over the Church of God.

*Ad quartum.*—Yea, but the Church of God was then restrained more narrowly [45] to one people and one king, which now being spread throughout all kingdoms, it would be a cause of great dissimilitude in the exercise of Christian religion if every king should be over the affairs of the church where he reigneth supreme ruler.

Dissimilitude in great things is such a thing which draweth great inconvenience after it, a thing which Christian religion must always carefully prevent. And the way to prevent it is, not as some do imagine, the yielding up of supreme power over all churches into one only pastor's hands; but the framing of their government, especially for matter of substance, every where according to the rule of one only Law, to stand in no less force than the law of nations doth, to be received in all kingdoms, all sovereign rulers to be sworn no otherwise [45v] unto it than some are to maintain the liberties, laws, and received customs of the country where they reign. This shall cause uniformity even under several dominions, without those woeful inconveniences whereunto the state of Christendom was subject heretofore, through the tyranny and oppression of that one universal Nimrod<sup>9</sup> who alone did all.

<sup>9</sup> [Whitaker, *adv. Campian*, p. 201.] K.



And, till the Christian world be driven to enter into the peaceable and true consultation about some such kind of general law concerning those things of weight and moment wherein now we differ, if one church hath not the same order which another hath: let every church keep as near as may be the order it should have, and commend the just defence thereof unto God, even as Juda did, when it [46] differed in the exercise of religion from that form which Israel followed.

Concerning therefore the matter whereof we have hitherto spoken, let it stand for our final conclusion, that in a free Christian state or kingdom, where one and the selfsame people are the Church and the commonwealth, God through Christ directing that people to see it for good and weighty considerations expedient that their sovereign lord and governor in causes civil have also in ecclesiastical affairs a supreme power; forasmuch as the light of reason doth lead them unto it, and against it God's own revealed law hath nothing: surely they do not in submitting themselves thereunto any other than that which a wise and religious people ought to do.

It was but a little over[46v]flowing of wit in Thomas Aquinas<sup>10</sup> so to play upon the words of Moses<sup>11</sup> in the Old, and of Peter<sup>12</sup> in the New Testament, as though because the one did term the Jews "a priestly kingdom," the other us "a kingly priesthood," those two substantives "kingdom" and "priesthood" should import, that Judaism did stand through the kings' superiority over priests, Christianity through the priests' supreme authority over kings. Is it probable, that Moses and Peter had herein so nice and curious conceits? Or else more likely that both meant one

<sup>10</sup> [In 1 Pet. ii. 9. Comm. in Epist. omnes Canonicas. Antwerp, 1591. fol. 270.] K.

<sup>11</sup> Exod. xix. [6.] K.

<sup>12</sup> 1 Pet. ii. Thomas in eum locum.

and the same thing; namely that God doth glorify and sanctify his, even with full perfection in both; which thing S. John doth in plainer sort express, saying that "Christ hath made us both kings and priests."<sup>13</sup>

<sup>13</sup> Rev. i. 6.

## CHAPTER IV

### OF THE TITLE OF HEADSHIP<sup>1</sup>

[67]<sup>2</sup> For the title or style itself, although the laws of this land have annexed it to the crown, yet so far we would not strive, if so be men were nice and scrupulous in this behalf only, because they do wish that for reverence unto Christ Jesus, the civil magistrate did rather use some other form of speech wherewith to express that sovereign authority which he lawfully hath over all, both persons and causes of the Church. But I see that hitherto they which condemn utterly the name so applied, do it because they mislike that any such power should be given unto civil governors. The greatest exception that Sir Thomas More took against that title, who suffered death for denial of it,<sup>3</sup> was "for that it maketh a lay, or secular person, the head of the state [67v] spiritual or ecclesiastical;" as though God himself did not name even Saul the head of all the tribes of Israel; and consequently of that tribe also among the rest, whereunto the state spiritual or ecclesiastical belonged. When the authors of the Centuries reprove it in kings and civil governors, the reason is,<sup>4</sup> "*istis non competit iste primatus*;" "such kind of power is too high for them, they fit it not." In excuse of Mr. Calvin,<sup>5</sup> by whom this realm is condemned of blasphemy

<sup>1</sup> [Title from CELMQ.] 1930.

<sup>2</sup> [See App. D, p. 313.] 1930.

<sup>3</sup> G. Courin. in *Epist. de Morte T. Mori, et Ep. Roffensis*. [p. 517.] CELMQ ["*Quod laicus, aut, ut vocant, sæcularis, possit aut debeat esse caput status spiritualis aut ecclesiastici.*"] CLQ.

<sup>4</sup> *Præf. Cent. 7.* [t. iv. p. 11. Basil. 1567.] K.

<sup>5</sup> Calvin. in c. 7. *Amos* [vii. 13.] EM; [Quoted by T. C. lib. ii. p. 413.] K.

for entitling Henry the Eighth Supreme Head of this Church under Christ, a charitable conjecture is made, that he spake by misinformation, and thought we had meant thereby far otherwise than we do; howbeit, [68] as he professeth utter dislike of that name, so whether the name be used or no, the very power itself which we give unto civil magistrates he much complaineth of, and testifieth,<sup>v</sup> "That their power over all things was it which had ever wounded him deeply; that unadvised persons had made them too spiritual; that through<sup>v</sup> Germany this fault did reign; that in those very parts where Calvin himself was, it prevailed more than were to be wished; that rulers, by imagining themselves so spiritual, have taken away ecclesiastical regiment; that they think they cannot reign unless they abolish all<sup>v</sup> authority of the Church, and be themselves the chief judges, as well in doctrine, as in the whole spiritual regency." So that in truth the question is, whether the magistrate, by being head in such sense as we [68v] term him, do use or exercise any part of that authority, not which belongeth unto Christ, but which other men ought to have.

*To be entitled, Heads of the Church under Christ within their own dominions.*<sup>6</sup>—[47] These things being thus first considered, it will be the easier to judge concerning our own estate, whether by force of ecclesiastical dominion with us kings have any other kind of prerogative than they may lawfully hold and enjoy. It is as some do imagine too much, that kings of England should be termed Heads, in relation to the Church. That which we understand by headship, is their only supreme power in ecclesiastical affairs or causes. That which lawfully princes are, what should make it unlawful for men by special styles or titles to signify? If the having of supreme power be allowed, why is the expressing

<sup>6</sup> [Title in D only.] 1930.



thereof by the title of head condemned? They [47v] seem in words, at the leastwise some of them, now at the length to acknowledge that kings may have<sup>v</sup> supreme government even over all, both persons and causes. We in terming our princes *heads of the Church*, do but testify that we acknowledge them such governors.

Against this peradventure it will be replied,<sup>7</sup> that howsoever we interpret ourselves, it is not fit for a mortal man, and therefore not fit for a civil magistrate, to be entitled head of the Church. Why so? First, "this title, Head of the Church, was given unto our Saviour Christ,<sup>8</sup> to lift him above all powers, rules, and dominions, either in heaven or in earth. Where if this title belong also to the civil magistrate, then it is manifest that there is a power in earth [48] whereunto our Saviour Christ is not in this point superior." Again, "if the civil magistrate may have this title, he may be also termed the first-begotten of all creatures, the first-begotten of the dead, yea the Redeemer of his people. For these are alike given him as dignities whereby he is lifted up above all creatures." Besides this, "the whole argument of the Apostle in both places doth lead to shew that this title, Head of the Church, cannot be said of any creature." And further, "the very demonstrative article, among the Hebrews especially, whom S. Paul doth follow, serveth to tie that which is verified of one, unto himself alone: so that when the apostle doth say that Christ [48v] is ἡ κεφαλὴ, the Head; it is as much<sup>v</sup> as if he should say, Christ, and no other, is the Head of the Church."

Thus have we against the entitling of the highest magistrates, Head, with relation unto the Church, four several arguments, gathered by strong surmise out of words marvellous unlikely to have been written for any such purpose as

<sup>7</sup> T. C. lib. ii. p. 411.

<sup>8</sup> Eph. i. 21. Col. i. 18.

that whereunto they are now urged. To the Ephesians, the apostle writeth,<sup>9</sup> "That Christ, God hath seated on his own right hand in the heavenly places, above all regency, and authority, and power, and dominion, and whatsoever name is named, not in this world only, but in that which shall be also: and hath under his feet set all things, and hath given him head above all things unto the Church, which is his body, even the [49] complement of him which accomplished all in all." To the Colossians in like manner,<sup>10</sup> "That He is the head of the body of the Church, who is a first-born regency out of the dead, to the end he might be made amongst them all such an one as hath the chieftly:" he meaneth, amongst all them whom before<sup>v</sup> he mentioned saying,<sup>11</sup> "In him all things that are, were made; the things in the heavens, and the things on the earth, the things that are visible, and the things that are invisible, whether they be thrones, or dominations, or regencies," &c.

Unto the fore-alleged arguments therefore we answer: first, that it is not simply the title of Head, which lifteth our Saviour above all powers, but the title of Head in such sort understood, as the apostle [49v] himself meant it: so that the same being imparted in another sense unto others, doth not any way make those others therein his equals; inasmuch as diversity of things is usual to be understood, even when of words there is no diversity; and it is only the adding of one and the selfsame thing unto diverse persons, which doth argue equality in them. If I term Christ and Cæsar lords, yet this is no equalling of Cæsar with Christ, because it is not thereby intended. "To term the emperor Lord," saith Tertullian,<sup>12</sup> "I for mine own part will

<sup>9</sup> [Ephes. i. 20-23.] E.

<sup>10</sup> [Col. i. 18.] E.

<sup>11</sup> [Col. i. 16.] E.

<sup>12</sup> Apol. [adv. Gent. c. 34.] K "Dicam plane Imperatorem Dominum sed quando non cogor ut Dominum Dei vice dicam."

not refuse, so that I be not required to term him Lord in the same sense that God is so termed."

Neither doth it follow, which is objected in the second place, that if the civil magistrate may be entitled [50] an Head, he may also as well be termed, "the first-begotten of all creatures," "the first-begotten of the dead," and "the Redeemer of his people." For albeit the former dignity do lift him up no less than these, yet these terms are not applicable and apt to signify any other inferior dignity, as the former term of Head was.

The argument or matter which the Apostle followeth hath small evidence for proof, that his meaning was to appropriate unto Christ the foresaid title, otherwise than only in such sense as doth make it, being so understood, too high to be given to any creature.

As for the force of the article, whereby our Lord and Saviour is named the Head, it serveth<sup>e</sup> to tie that unto him by way of excellency, which in [50v] a<sup>v</sup> meaner degree is common to others; it doth not exclude any other utterly from being termed Head, but from being entitled as Christ is, the Head, by way of the very highest degree of excellency. Not in the communication of names, but in<sup>v</sup> confusion of things, is error.

Howbeit, if Head were a name which well could not be, or never had been used to signify that which a magistrate may be in relation unto some church, but were by continual use of speech appropriated unto that only thing which it signifieth, being applied unto Jesus Christ; then, although we might carry in ourselves a right understanding, yet ought we otherwise rather to speak, unless we interpret our own meaning by some clause of plainer speech; because [51] we are else in manifest danger to be understood according to that construction and sense wherein such words are usually taken. But here the rarest construction, and most removed from



common sense, is that which the word doth import being applied unto Christ; that which we signify by it in giving it unto<sup>v</sup> the magistrate, is a great deal more familiar in the common conceit of men. The word is so fit to signify<sup>13</sup> all kinds of superiority, preeminence, and chieftly, that no one thing is more ordinary than so to use it even in vulgar speech, and in common understanding so to take it. If therefore a Christian king may have any preeminence or chieftly above all other in the Church, (albeit it were less than Theodore Beza giveth,<sup>14</sup> who placeth kings amongst the principal [51v] members whereunto public function in the Church belongeth, and denieth not,<sup>15</sup> but that of them which have public function, the civil magistrate's power hath all the rest at commandment, in regard of that part of his office, which is to procure that peace and good order be especially kept in things concerning the first Table;) even hereupon to term him *the Head of that Church which is his kingdom*, should not seem so unfit a thing: which title surely we would not communicate to any other, no not although it should at our hands be exacted with torments, but that our meaning herein is made known to the whole world, so that no man which will understand can easily be ignorant, that we do not impart to<sup>v</sup> kings, when we term them *Heads*, the honour which properly<sup>v</sup> is given to our Lord [52] and Saviour Christ, when the blessed Apostles in Scripture do term him *the Head of the Church*.

*Differences between Christ's Headship and that which we give to kings.*—The power which we signify by that name,

<sup>13</sup> *Capita papaverum, primores civitatis.* Liv. lib. i. [c. 54.] Roma κεφαλή συμπασης Ἰταλίας. Dionys. Halic. Antiq. lib. ii. ["The head of all Italy."] CLM. Pekah [is] termed the Head of Samaria, which was the seat of his throne and kingdom. Esa. vii. 9.

<sup>14</sup> Confess. c. 5. art. 23.

<sup>15</sup> Confess. c. 5. art. 32. [Tract. Theol. i. 42. 46. Gen. 1570.] K.



differeth in three things plainly from that which Christ doth challenge.

It differeth in order, measure, and kind. In order, because God hath given him to his Church for the Head, ὑπὲρ πάντα, above all, ὑπεράνω πάσης τῆς ἀρχῆς,<sup>16</sup> “far above all principality, and power, and might, and dominion, and every name that is named, not in this world only, but also in that which is to come:” whereas the power which others have is subordinated unto his.

Again, as he differeth in order, so in measure of power also; because God hath given unto him<sup>17</sup> the ends of the earth for his possession; unto him, dominion from sea to sea; unto him, all [52v] power in heaven and in earth; unto him, such sovereignty, as doth not only reach over all places, persons, and things, but doth rest in his one only person, and is not by any succession continued: He reigneth as Head and King for ever, nor is there any kind of law which tieth him, but his own proper will and wisdom: his power is absolute, the same jointly over all which it is severally over each; not so the power of any other’s headship. How kings are restrained, and in what sort their authority is limited, we have shewed before. So that unto him is given by the title of *Headship over the Church*, that largeness of power, wherein neither man nor angel can be matched or compared with him.

The last and the weightiest difference between him and them, is in the [53] very kind of their power. The head being of all other parts of man’s body the most divine,<sup>18</sup> hath dominion over all the rest: it is the fountain of sense, of

<sup>16</sup> Eph. i. 21, 22.

<sup>17</sup> Ps. ii. 8.

<sup>18</sup> Θεϊότατον καὶ τῶν ἐν ἡμῖν πάντων δεσποτοῦν. Plat. in Tim. [“The most divine thing, and which hath dominion over all things that be in us.”] CLM.

motion; the throne where the guide of the soul doth reign; the court from whence direction of all things human proceedeth. Why Christ is called *Head of his Church*, these causes they themselves do yield. As the head is the highest part of a man, above which there is none, always joined with the body: so Christ is the highest in his Church, inseparably knit with it. Again, as the head giveth sense and moving to all the body, so he quickeneth, and together with understanding of heavenly things, giveth strength to walk therein. [53v] Seeing therefore, that they cannot affirm Christ sensibly present, or always visibly joined unto his body the Church which is on earth, inasmuch as his corporal residence is in heaven; again, seeing they do not affirm<sup>e</sup> (it were intolerable if they should) that Christ doth personally administer the external regiment of outward actions in the Church, but by the secret inward influence of his grace, giveth spiritual life and the strength of ghostly<sup>e</sup> motions thereunto: impossible it is, that they should so close up their eyes, as not to discern what odds there is between that kind of operation which we imply in the headship of princes, and that which agreeth to our Saviour's dominion over the Church. The headship which we give unto kings is altogether visibly exercised, and ordereth only the external frame of the Church's affairs here amongst us; so that it plainly differeth from Christ's, even in very nature and [54] kind. To be in such sort united unto the Church as he is; to work as he worketh, either on<sup>e</sup> the whole Church, or on<sup>v</sup> any particular assembly, or in any one man; doth neither agree, nor hath possibility of agreeing, unto any besides him.

*Opposition against the first difference, whereby, Christ being Head simply, princes are said to be Heads under Christ.*—Against the first distinction or difference it is objected,<sup>19</sup> that

<sup>19</sup> T. C. lib. ii. p. 411. [and i. 167.] K.

to entitle a magistrate Head of the Church, although it be under Christ, is most absurd. For Christ hath a twofold superiority; a superiority over his Church, and a superiority over kingdoms: according to the one, he "hath a superior, which is his Father; according to the other, none but immediate authority with his Father:" that is to say, of the Church he is Head and Governor only as the [54v] Son of man; Head and Governor over<sup>v</sup> kingdoms only as the Son of God. In the Church, as man, he hath officers under him, which officers are ecclesiastical persons: as for the civil magistrate, his office belongeth unto kingdoms, and commonwealths, neither is he therein an under or subordinate head of Christ; "considering that his authority cometh from God, simply and immediately, even as our Saviour Christ's doth."<sup>20</sup>

Whereunto the sum of our answer is, first, that as Christ being Lord or Head over all, doth by virtue of that sovereignty rule all; so he hath no more a superior in governing his Church, than in exercising sovereign dominion upon the rest of the world besides. Secondly, that all authority, as well civil as ecclesiastical, is subordinate unto his. And thirdly, that the civil magistrate being termed [55] Head, by reason of that authority in ecclesiastical affairs which it hath been already declared that themselves do in word acknowledge to be lawful; it followeth that he is an Head even subordinated of,<sup>v</sup> and to Christ.

For more plain explication whereof, first,<sup>v</sup> unto God we acknowledge daily,<sup>21</sup> that kingdom, power, and glory, are his; that he is<sup>22</sup> the immortal and the invisible King of ages, as well the future which shall be, as the present which now is. That which the Father doth work as Lord and king over all, he works<sup>v</sup> not without, but by the Son, who through coeternal

<sup>20</sup> T. C. lib. ii. p. 418.

<sup>21</sup> Matt. vi. 13.

<sup>22</sup> 1 Tim. i. 17.



generation receiveth of the Father that power which the Father hath of himself. And for that cause our Saviour's words concerning his own dominion are, "To me all power both [55v] in heaven and [in] earth is given." The Father by the Son both did create, and doth guide all; wherefore Christ hath supreme dominion over the whole universal world.

Christ is God, Christ is *Λόγος*, the consubstantial Word of God, Christ is also that consubstantial Word made man. As God, he saith of himself,<sup>23</sup> "I am Alpha and Omega, the beginning and the end: he which was, which is, and which is to come; even the very Omnipotent." As the consubstantial Word of God, he had with God before the beginning of the world, that glory which as man he requesteth to have;<sup>24</sup> "Father, glorify thy Son now with that glory which with thee I enjoyed before the world was." For there is no necessity<sup>v</sup> that all things spoken of Christ should agree unto him either as God, or else as [56] man; but some things as he is the consubstantial Word of God, some things as he is that Word incarnate. The works of supreme dominion which have been since the first beginning wrought by the power of the Son of God, are now most truly and properly the works of the Son of man: the Word made flesh doth sit for ever, and reign as sovereign Lord over all. Dominion belongeth unto the kingly office of Christ, as propitiation and mediation unto his priestly; instruction, unto his pastoral or prophetic office. His works of dominion are in<sup>e</sup> sundry degrees or kinds, according to the different condition of them which are subject unto it: he presently doth govern, and hereafter shall judge the world, entire and whole, therefore his regal [56v] power cannot be with truth restrained unto a portion of the world only.

<sup>23</sup> Apoc. i. 8.

<sup>24</sup> John xvii. 5.



Notwithstanding forasmuch as all do not shew and acknowledge with dutiful submission that obedience which they owe unto him; therefore such as do, their Lord he is termed by way of excellency, no otherwise than the Apostle doth term God,<sup>25</sup> the Saviour generally of all, but especially of the faithful: these being brought to the obedience of faith, are every where spoken of as men translated into that kingdom, wherein whosoever is comprehended, Christ is<sup>26</sup> the author of eternal salvation unto them; they have a high kind of<sup>v</sup> ghostly fellowship<sup>27</sup> with God, and Christ, and saints; or as the Apostle in more ample manner speaketh,<sup>28</sup> "Aggregated they are unto Mount Sion, and to the [57] city of the living God, the celestial Jerusalem, and to the company of innumerable angels, and to the congregation of the first-born, which are written in heaven, and to God the judge of all, and to the spirits of just and perfect men, and to Jesus the Mediator of the New Testament." In a word, they are of that mystical body, which we term the Church of Christ. As for the rest, we find them accounted<sup>v</sup> "aliens from the commonwealth of Israel, men that lay<sup>v</sup> in the kingdom of darkness, and that are in this present world without God." Our Saviour's dominion is therefore over these, as over rebels; over them as dutiful<sup>v</sup> subjects.

Which things being in holy Scripture so plain, I somewhat muse at those strange positions, that Christ<sup>29</sup> in the [57v] government of the Church, and superiority over the officers of it, hath himself a superior, which is his Father; but in the government of kingdoms and commonwealths, and in the superiority which he hath over kings, no superior. Again,<sup>30</sup>

<sup>25</sup> 1 Tim. iv. 10.

<sup>26</sup> Heb. v. 9.

<sup>27</sup> 1 John i. 3.

<sup>28</sup> Heb. xii. 22[-24.] K.

<sup>29</sup> [T. C.] lib. ii. p. 411. l. 14.

<sup>30</sup> [T. C.] lib. ii. p. 418. l. 10.

“that the civil magistrate<sup>v</sup> cometh from God immediately, as Christ<sup>v</sup> doth, and is not subordinate unto Christ.” In what evangelist, apostle, or prophet, is it found, that Christ, supreme governor of the Church, should be so unequal to himself, as he is supreme governor of kingdoms? The works of his providence for preservation of mankind by upholding of<sup>v</sup> kingdoms, not only obedient unto, but even rebellious and obstinate against him, are such as proceed from divine power; and are not the works of his providence for safety of God’s elect, by gathering, [58] inspiring, comforting, and every way preserving his Church, such as proceed from the same power likewise? Surely, if Christ<sup>31</sup> “as God and man have ordained certain means for the gathering and keeping of his Church,” seeing this doth belong to the government of his<sup>v</sup> Church; it must in reason follow, I think, that as God and man he worketh in church regiment, and consequently hath no more therein any superior, than in the government of commonwealths.

Again, to “be in the midst of his, wheresoever they are assembled in his name,” and to be “with them till the world’s end,” are comforts which Christ doth perform to his Church as Lord and Governor; yea, such as he cannot perform but by that very power wherein he hath no superior.

[58v] Wherefore, unless it can be proved, that all the works of our Saviour’s government in the Church are done by the mere and only force of his human nature, there is no remedy but to acknowledge it a manifest error, that Christ in the government of the world is equal unto the Father, but not in the government of the Church. Indeed, to the honour of this dominion it cannot be said that God did exalt him otherwise than only according to that human nature wherein he was made low: for as the Son of God, there could

<sup>31</sup> [T. C.] lib. ii. p. 417. l. 12.

no advancement or exaltation grow unto him: and yet<sup>e</sup> the dominion, whereunto he was in his human nature lifted up, is not without divine power exercised. It is by divine [59] power, that the Son of man who sitteth in heaven, doth work as king and lord upon us which are on earth.

The exercise of his<sup>e</sup> dominion over the Church militant cannot choose but cease, when there is no longer any militant Church in the world. And therefore as generals of armies when they have finished their work, are wont to yield up such commissions as were given them for that purpose, and to remain in the state of subjects and not of lords, as concerning their former authority; even so, when the end of all things is come, the Son of man, who till then reigneth, shall do the like, as touching regiment over the militant Church on earth. So that between the Son of man and his brethren, over whom he now [59v] reigneth in this their warfare, there shall be then, as touching the exercise of that regiment, no such difference; they not warfaring under him<sup>v</sup> any longer, but he together with them under God receiving the joys of everlasting triumph, that so God may be all in all; all misery in all<sup>e</sup> the wicked through his justice; in all the righteous, through his love, all felicity and bliss. In the meanwhile he reigneth over this world as king, and doth those things wherein none is superior unto him, whether we respect the works of his providence over kingdoms, or of his regiment over the Church.

The cause of error in this point doth seem to have been a misconceit, that Christ, as Mediator, being inferior unto his Father, [60] doth, as Mediator, all works of regiment over the Church;<sup>32</sup> when in truth, government doth belong to his kingly office, mediatorship, to his priestly. For, as the high priest both offered sacrifice for expiation of the people's

<sup>32</sup> [T. C.] lib. ii. p. 411. l. 16.



sins, and entered into the holy place, there to make intercession for them: so Christ,<sup>33</sup> having finished upon the cross that part of his priestly office which wrought the propitiation for our sins, did afterwards enter into very heaven, and doth there as mediator of the New Testament appear in the sight of God for us. A like slip of judgment it is, when they hold<sup>34</sup> that civil authority is from God, but not mediately through Christ, nor with any subordination unto<sup>v</sup> Christ. For "there [60v] is no power," saith the Apostle, "but from God;"<sup>35</sup> nor doth any thing come from God but by the hands of our Lord Jesus Christ.

They deny it not to be said of Christ in the Old Testament,<sup>36</sup> "By me kings reign, and princes decree justice; by me princes rule, and the nobles, and all the judges of the earth." In the New as much is taught,<sup>37</sup> "That Christ is the Prince of the kings of the earth." Wherefore to the end it may more plainly appear how all authority of man is derived from God through Christ, and must by Christian men be acknowledged to be no otherwise held than of and under him; we are to note, that because whatsoever hath necessary being, the Son of God doth cause it to be, and those things without which the world cannot well continue, have necessary being in the world; a thing of so<sup>e</sup> great use as government amongst men, and human dominion in government, cannot choose but be originally from him, and have reference also of subordination unto him. [61] Touching that authority which civil magistrates have in ecclesiastical affairs, it being from God by Christ, as all other good things are, cannot choose but be held as a thing received at his hands; and

<sup>33</sup> Heb. ix. 24; vii. 25.

<sup>34</sup> [T. C. lib. ii. p. 415.] K.

<sup>35</sup> Rom. xiii. 1.

<sup>36</sup> Prov. viii. 15. 16. [Penry,] Humble Motion, p. 63.

<sup>37</sup> Rev. i. 5.



because such power as is of necessary use for the ordering of religion, wherein the essence and very being of the Church consisteth, can no otherwise flow from him, than according to that special care which he hath to guide and govern his own people: it followeth that the said authority is of and under him after a more peculiar manner, namely, in that he is Head of the Church, and not in respect of his general regency over the world. "All things," (saith the Apostle<sup>38</sup> speaking unto the Church) "are yours, and ye are Christ's, and Christ is [61v] God's." Kings are Christ's, as saints; and kings are Christ's, as kings: as saints, because they are of the Church; as kings, because they are in authority over the Church, if not collectively, yet divisively understood; that is over each particular person within that Church where they are kings. Such authority, reaching both unto all men's persons, and unto all kinds of causes also, it is not denied but that they lawfully may have and exercise; such authority it is, for which, and for no other in the world, we term them heads; such authority they have under Christ, because he in all things is Lord over all. And even of Christ it is that they have received such authority, inasmuch as of him all lawful powers are: therefore the civil magistrate is, [62] in regard of this power, an under and subordinate head of Christ's people.<sup>c</sup>

*Against the second difference, whereby Christ is said to be universally head, the king no further than within his own dominions.*—It is but idle when<sup>v</sup> they plead,<sup>39</sup> "that although for several companies of men there may be several heads or governors, differing in the measure of their authority from the chiefest who is head of all; yet so it cannot be in the Church, for that the reason why head-magistrates appoint others for such several places is, because they cannot be

<sup>38</sup> 1 Cor. iii. 22, [23.] K.

<sup>39</sup> T. C. lib. ii. p. 413.

present every where to perform the office of a head. But Christ is never from his body, nor from any part of it, and therefore needeth not to substitute any, which may be heads, some over one church and some over another." Indeed the consideration of man's imbecility, which maketh many hands necessary where the burden is too great for one, moved Jethro to [62v] be a persuader of Moses, that a number of heads or rulers might be instituted for discharge of that duty by parts, which in whole he saw was troublesome. Now although there be not in Christ any such defect or weakness, yet other causes there may be diverse, more than we are able to search into, wherefore it might seem to him expedient to divide his kingdom into many portions, and to place many heads over it, that the power which each of them hath in particular with restraint, might illustrate the greatness of his unlimited authority. Besides, howsoever Christ be spiritually always united unto every part of his body, which is the Church; nevertheless we do all know, and they themselves [63] who allege this will, I doubt not, confess also, that from every church here visible, Christ, touching visible and corporal presence, is removed as far as heaven from earth is distant. Visible government [is] a thing necessary for the Church; and it doth not appear how the exercise of visible government over such multitudes every where dispersed throughout the world should consist without sundry visible governors; whose power being the greatest in that kind so far as it reacheth, they are in consideration thereof termed so far heads. Wherefore, notwithstanding that perpetual conjunction, by virtue whereof our Saviour remaineth always spiritually united unto the parts of his mystical body; Heads endued with supreme power, extending unto [63v] a certain compass, are for the exercise of visible regiment not unnecessary.

Some other reasons there are belonging unto this branch,

which seem to have been objected, rather for the exercise of men's wits in dissolving sophisms, than that the authors of them could think in likelihood thereby to strengthen their cause. For example,<sup>40</sup> "If the magistrate be head of the Church within his own dominion, then is he none of the Church; for all that Church maketh the body of Christ, and every one of the Church fulfilleth the place of one member of the body. By making the magistrate therefore head, we do exclude him from being a member subject to the head, and so leave him no place in the Church." By which reason, the name of a body politic is supposed to be always [64] taken of the inferior sort alone, excluding the principal guides and governors; contrary to all men's custom of speech. The error riseth by misconstruing<sup>v</sup> of some scripture sentences, where Christ as the head, and the Church as the body, are compared or opposed the one to the other: and because in such comparisons and oppositions, the body is taken for those only parts which are subject to<sup>v</sup> the head, they imagine that whoso is<sup>v</sup> head of any church, he is even thereby excluded from being a part of that church: that the magistrate can<sup>e</sup> be none of the Church, if so be we make him the head of the church in his own dominions. A chief and principal part,<sup>v</sup> therefore no part; this is surely a strange conclusion. A church doth indeed make the body of Christ, being [64v] wholly taken together; and every one in the same church fulfilleth the place of a member in the body, but not the place of an inferior member, he which hath supreme authority and power over all the rest. Wherefore, by making the magistrate head in his own dominions, we exclude him from being a member subject unto any other person which may visibly there rule in place of an head or governor<sup>v</sup> over him; but so far are we off from leaving him by this means no

<sup>40</sup> T. C. lib. ii. p. 419.



place in the Church, that we grant him the chiefest place. Indeed the heads of those visible bodies, which are many, can be but parts inferior in that spiritual body which is but one; yea, they may from this be excluded clean, who notwithstanding ought to be honoured, as [65] possessing in the other the highest rooms: but for the magistrate to be termed, one way,<sup>v</sup> within his own dominions, an head, doth not bar him from being either way a part or member of the Church of God.

As little to the purpose are those other cavils: "A Church which hath the magistrate for head, is a perfect man without Christ. So that the knitting of our Saviour thereunto should be an addition of that which is too much."<sup>41</sup> Again, "If the Church be the body of Christ, and of the civil magistrate, it shall have two heads, which being monstrous, is to the great dishonour of Christ and his Church." Thirdly, "If the Church be planted in a popular estate, then, forasmuch as all govern in common, and all have authority, all shall be head there, and no body at all; which is another monster." [65v] It might be feared what this birth of so many monsters might portend, but that we know how things natural enough in themselves may seem monstrous through misconceit; which error of mind is indeed a monster, and so the skilful in nature's mysteries have used to term it. The womb of monsters, if any be, is that troubled understanding, wherein, because things lie confusedly mixed together, what they are it appeareth not.

A Church perfect without Christ, I know not which way a man should imagine; unless there may be either Christianity without Christ, or else a Church without Christianity. If magistrates be heads of the Church, they are of necessity Christians; if Christians, then is their Head Christ.

<sup>41</sup> [T. C. lib. ii. p. 412.] K.



The adding of Christ the universal [66] Head over all unto the magistrate's particular headship, is no more superfluous in any church than in other societies it is to be both severally each subject unto some head, and to have also a head general for them all to be subject unto. For so in armies and in civil corporations we see it fareth. A body politic in such respects is not like to a natural body; in this, more heads than one are superfluous; in that, not.

It is neither monstrous nor as much as uncomely for a church to have different heads: for if Christian churches be in number many, and every of them a body perfect by itself, Christ being Lord and Head over all; why should we judge it a thing more monstrous for one body to have two heads, than one head so many bodies? Him God [66v] hath made the supreme Head of the whole Church; the Head, not only of that mystical body which the eye of man is not able to discern, but even of every Christian politic society, of every visible Church in the world.

And whereas, lastly, it is thought so strange, that in popular states a multitude should to<sup>c</sup> itself be both body and head, all this wonderment doth grow from a little oversight, in deeming<sup>c</sup> that the subject wherein headship is to reside, should be evermore some one person; which thing is not necessary. For in a collective body that hath not derived as yet the principality of power into some one or few, the whole of necessity must be head over each part; otherwise it could not possibly have power to make any one certain person head; inasmuch as the very power of making a head belongeth unto headship. These supposed monsters therefore we see are no such giants, that there should need any Hercules to tame them.

*Opposition against the difference in kind.*—[74]<sup>42</sup> The last

<sup>42</sup> [See App. D, p. 313.] 1930.

difference which we have made between the title of head when we gave<sup>v</sup> it unto Christ, and when we gave<sup>v</sup> it to other governors, is, that the kind of dominion which it importeth is not the same in both. Christ is<sup>e</sup> head as being the fountain of life and ghostly nutriment, the well-spring of spiritual blessings poured into the body of the Church; these<sup>v</sup> heads, as being his principal instruments for the Church's outward government: He head, as founder of the house; they, as his chiefest overseers.<sup>43</sup> Against this there is exception especially taken, and our purveyors are herein said to have their provision from the popish shambles: for by Pighius and Harding, to prove that Christ alone is not head of the Church, this distinction they say is brought, that according [74v] to the inward influence of grace, Christ only is head; but according to outward government the being of head is a thing common with him to others.<sup>v44</sup>

To raise up falsehoods of old condemned, and to bring that for confirmation of any thing doubtful, which hath already been sufficiently<sup>v</sup> proved an error, and is worthily so taken, this would justly deserve censuring.<sup>e</sup> But shall manifest truth be therefore reproached, because men in some things<sup>v</sup> convicted of manifest untruth have at any time taught or alleged it? If too much eagerness against their adversaries had not made them forget themselves, they might remember where being charged as maintainers of those very things, for which others before them have been condemned [75] of heresy, yet lest the name of any such heretic holding the same which they do should make them odious, they stick not frankly to profess,<sup>45</sup> "that they are not afraid to consent in some points with Jews and Turks." Which defence, for all that, were a very weak buckler for such as should consent

<sup>43</sup> [Whitg. Def. pp. 300, 301.] K.

<sup>44</sup> [T. C. lib. ii. p. 414.] K.

<sup>45</sup> T. C. lib. iii. p. 168.

with Jews and Turks, in that which they have been abhorred and hated for of the Church.

But as for this distinction of headship, spiritual and mystical in Jesus Christ, ministerial and outward in others besides Christ; what cause is<sup>v</sup> to dislike either Harding, or Pighius, or any other besides for it? That which they have been reproved for is, not because they did herein utter an untruth, but such a truth as was not sufficient to bear up the cause [75v] which they did thereby seek to maintain. By this distinction they have both truly and sufficiently proved that the name of head, importing power of dominion over the Church, might be given unto others besides Christ, without prejudice unto any part of his honour. That which they should have made manifest was, that the name of Head, importing the power of universal dominion over the whole Church of Christ militant, doth, and that by divine right, appertain unto<sup>v</sup> the pope of Rome. They did prove it lawful to grant unto others besides Christ the power of headship in a different kind from his; but they should have proved it lawful to challenge, as they did to the bishop of Rome, a power universal in that different kind. Their fault [76] was therefore in exacting wrongfully so great power as they challenged in that kind, and not in making two kinds of power, unless some reason can be shewed for which this distinction of power should be thought erroneous and false.

A little they stir, although in vain, to prove that we cannot with truth make any such distinction of power, whereof the one kind should agree unto Christ only, and the other be further communicated. Thus therefore they argue:<sup>46</sup> "If there be no head but Christ, in respect of the spiritual government, there is no head but he in respect of the word, sacraments, and discipline, administered by those

<sup>46</sup> T. C. lib. ii. p. 415.



whom he hath appointed, forasmuch as that is also his spiritual government."<sup>47</sup>

[69] Their meaning is, that whereas we make two kinds of power, of which two, the one being spiritual is proper unto Christ; the other men are capable of, because it is visible and external: we do amiss altogether, they think, in so distinguishing, forasmuch as the visible and external power of regiment over the Church, is only in relation unto the word, the sacraments, and discipline, administered by such as Christ hath appointed thereunto, and the exercise of this power is also his spiritual government: therefore we do but vainly imagine a visible and external power in the Church differing from his spiritual power.

Such disputes as this do somewhat resemble the wonted practising of well-willers upon their friends in the pangs of [69v] death, whose manner is even then to put smoke in their nostrils, and so to fetch them again, although they know it a matter impossible to keep them living. The kind affection which the favourers of this labouring cause bear towards it will not suffer them to see it die, although by what means they should be able to make it live, they do not see. But they may see that these wrestlings will not help. Can they be ignorant how little it booteth to overcast so clear a light with some mist of ambiguity in the name of spiritual regiment?

To make things therefore so plain that henceforth<sup>v</sup> a child's capacity may serve rightly to conceive our meaning: we make the spiritual regiment of Christ to be [70] generally that whereby his Church is ruled and governed in things spiritual. Of this general we make two distinct kinds; the one invisibly exercised by Christ himself in his own person; the other outwardly administered by them whom Christ doth allow to be

<sup>47</sup> [D 76v is blank.] 1930.



the rulers and guiders of his Church. Touching the former of these two kinds, we teach that Christ in regard thereof is peculiarly termed the Head of the Church of God; neither can any other creature in that sense and meaning be termed head besides him, because it importeth the conduct and government of our souls by the hand of that blessed Spirit wherewith we are sealed and marked, as being peculiarly his. Him only therefore we do acknowledge to be that Lord, which dwelleth, liveth and reigneth in our [70v] hearts; him only to be that Head, which giveth salvation and life<sup>e</sup> unto his body; him only to be that fountain, from whence the influence of heavenly grace distilleth, and is derived into all parts, whether the word, or<sup>v</sup> sacraments, or discipline, or whatsoever be the mean whereby it floweth. As for the power of administering these things in the Church of Christ, which power we call the power of order, it is indeed both Spiritual and His; Spiritual, because such duties properly concern the Spirit; His, because by him it was instituted. Howbeit neither spiritual, as that which is inwardly and invisibly exercised; nor his, as that which he himself in person doth exercise.

Again, that power of dominion [71] which is indeed the point of this controversy, and doth also belong to the second kind of spiritual regiment, namely unto that regiment which is external and visible; this likewise being spiritual in regard to the matter about which it dealeth, and being his, inasmuch as he approveth whatsoever is done by it, must notwithstanding be distinguished also from that power whereby he himself in person administereth the former kind of his own spiritual regiment, because he himself in person doth not administer this. We do not, therefore, vainly imagine, but truly and rightly discern a power external and visible in the Church, exercised by men, and severed in nature from that spiritual power of Christ's own regiment, which power is termed spiritual [71v] because it worketh secretly, inwardly, and invisibly;

his, because none doth or can it personally exercise, either besides or together with him. So that him only we may name our Head, in regard of this, and yet, in regard of that other power differing from this, term others also besides him heads, without any contradiction at all.

Which thing may very well serve for answer unto that also which they further allege against the foresaid distinction, namely,<sup>48</sup> "that even in the outward society and assemblies of the Church, where one or two are gathered in his name, either for hearing of the word, or for prayer, or any other church-exercise, our Saviour Christ being in the midst of them as Mediator, must needs be there as head: and if he be there not [72] idle, but doing the office of the head fully, it followeth that even in the outward society<sup>v</sup> and meetings of the Church, no mere man can be called the head of it, seeing that our Saviour Christ doing the whole office of the head himself alone, leaveth nothing to men by doing whereof they may obtain that title."

Which objection I take as being made for nothing but only to maintain argument. For they are not so far gone as to argue thus in sooth and right good earnest. "God standeth," saith the Psalmist,<sup>49</sup> "in the midst of gods;" if God be there present, he must undoubtedly be present as a God; if he be there not idle, but doing the office of a God fully, it followeth, that God himself alone doing the whole office of a God, leaveth nothing [72v] in such assemblies unto any other, by doing whereof they may obtain so high a name. The Psalmist therefore hath spoken amiss, and doth ill to call judges gods. Not so; for as God hath his office differing from theirs, and doth fully discharge it even in the very midst of them, so they are not thereby<sup>v</sup> excluded from all kind of duty for which that name should be given unto them also, but in that duty for which it

<sup>48</sup> T. C. lib. ii. p. 415.

<sup>49</sup> [Ps. lxxxii. 1.] C.

was given them they are encouraged religiously and carefully to order themselves. After the selfsame manner, our Lord and Saviour being in the midst of his Church as Head, [is]<sup>v</sup> our comfort, and not the abridgment of any one duty, for performance whereof others are termed heads in another kind than he is.

If [73] there be of the ancient Fathers which say,<sup>v</sup> "There is but one Head of the Church, Christ; and that the minister which baptizeth cannot be the head of him which is baptized, because Christ is the head of the whole Church: and that Paul could not be the head of the Churches which he planted, because Christ is<sup>v</sup> Head of the whole body;"<sup>50</sup> they understand the name of head in such sort as we grant that it is not applicable to any other, no not in relation to the least part of the whole Church: he which baptizeth, baptizeth into Christ: he which converteth, converteth unto Christ; he which ruleth, ruleth for Christ. The whole Church can have but one to be head as lord and owner of all: wherefore if Christ be Head in that kind, it followeth, that no other can be so else either to the whole or to any part.<sup>51</sup>

<sup>50</sup> T. C. lib. ii. p. 413. Cyprian, de Simpl. Praelatorum. [Page 195. ed. Baluz.] K. Aug. contr. Lit. Petil. lib. i. c. 5. et lib. iii. c. 42.

<sup>51</sup> [D 73v is blank.] 1930.

## CHAPTER V

### TO CALL AND DISSOLVE ALL SOLEMN ASSEMBLIES ABOUT THE PUBLIC AFFAIRS OF THE CHURCH

[77]<sup>1</sup> The consuls of Rome Polybius affirmeth<sup>2</sup> to have had a kind of regal authority, in that they might call together the senate and people whensoever it pleased them. Seeing therefore the affairs of the Church and Christian religion are public affairs, for the ordering whereof more solemn assemblies sometimes are of as great importance and use, as they are for secular affairs; it seemeth no less an act of supreme authority to call the one than the other.

Wherefore amongst sundry other prerogatives of Simon's dominion over the Jews, this is reckoned as not the least,<sup>3</sup> "that no man might gather any great assembly in the land without him." For so the manner of Jewish regiment had always been, that whether the [77v] cause for which men assembled themselves in peaceable, good, and orderly course,<sup>v</sup> were ecclesiastical or civil, supreme authority should assemble them. David gathered all Israel together unto Jerusalem, when the ark was to be removed; he assembled the sons of Aaron and the Levites.<sup>4</sup> Solomon did the like at such time as the temple was to be dedicated:<sup>5</sup> when the Church was to

<sup>1</sup> [See App. D, p. 311.] 1930.

<sup>2</sup> [Polyb.] [CELM] lib. vi. de Milit. ac Domest. Rom. Discipl. [c. 12.] K.

<sup>3</sup> 1 Macc. xiv. 44.

<sup>4</sup> 1 Chron. xv. 3, [4.] K.

<sup>5</sup> 1 Reg. viii. 1.



be reformed, Asa in his time did the same: the same upon like occasions done afterwards by Joas, Ezekias, Josias, and others.<sup>6</sup>

The ancient imperial law<sup>7</sup> forbiddeth such<sup>e</sup> assemblies as the emperor's authority did not cause to be made. Before emperors became Christian, the Church had never any synod general; their greatest meetings consisted of bishops and others the gravest in each province. [78] As for the civil governor's authority, it suffered them only as<sup>e</sup> things not regarded or accounted of, at such times as it did suffer them. So that what right a Christian king hath as touching assemblies of that kind we are not able to judge, till we come unto later times, when religion had won the hearts of the highest powers. Constantine (as Pighius<sup>8</sup> doth grant) was not only the first that ever did call any general council together, but even the first that devised the calling of them for consultation about the business of God. After he had once given the example, his successors<sup>9</sup> a long time followed the same; in-somuch that S. Jerome, to disprove the authority of a synod which was pretended to be general, used<sup>v</sup> this as a forcible argument,<sup>10</sup> "Dic quis imperator hanc syno[78v]dum jusserit convocari." Their answer hereunto is no answer, which say, "that emperors did not this without conference had with bishops:" for to our purpose it is enough, if the clergy alone did it not otherwise than by the leave or appointment of their sovereign lords and kings.

<sup>6</sup> 2 Chron. xv. 9; xxiv. 5; xxx. 1; xxxiv. 29.

<sup>7</sup> Vid. [Dig. lib. xlvii. tit. 22.] [K] de Collegiis (Illicitis) [et Corporibus] et [Cod. Just. lib. i. tit. 3.] [K] L[ex]. Conventicula [Illicita.] cap. de Episcopis et [Clericis.]

<sup>8</sup> Hierarch. lib. vi. cap. 1.

<sup>9</sup> Constantinopolitanum Concilium a Theodosio seniore indictum. Theod. lib. i. c. 9. [lib. v. c. 9.] CLMQ. Ephesinum primum nutu Theodosii Junioris convenit. Evagr. lib. i. c. 2. [3.] K. Sardicense Constantius indicit. Theod. lib. ii. c. 4. Chalcedonense impetratum a Martino. Leo. Epist. 43.

<sup>10</sup> Hieron. contr. Ruffinum. lib. ii. [¶ 20.] K.

Whereas therefore it is on the contrary side alleged, that Valentinian the elder<sup>11</sup> being requested by Catholic bishops to grant that there might be a synod for the ordering of matters called in question by the Arians, answered, that he being one of the laity might not meddle with such affairs, and thereupon wished,<sup>v</sup> that the priests and bishops, to whom the care of those things belonged,<sup>v</sup> should meet and consult thereof by themselves wheresoever they thought good: we must together with the emperor's speech [79] weigh the occasion and the drift thereof. Valentinian and Valens, the one a Catholic, the other an Arian, were emperors together: Valens the governor of the east, Valentinian of the west empire. Valentinian therefore taking his journey from the east part into the west, and passing to that intent through Thracia, the bishops there which held the soundness of Christian belief, because they knew that Valens was their professed enemy, and therefore if the other were once departed out of those quarters, the Catholic cause was like to find<sup>v</sup> small favour, moved presently Valentinian about a council to be assembled under the countenance of his authority; who by likelihood considering what inconvenience might thereby grow, inasmuch as it could not but be a [79v] mean to incense Valens the more against them, refused himself to be author of, or present at any such assembly; and of this his denial gave them a colourable reason, to wit, that he was although an emperor, yet a secular person, and therefore not able in matters of so great obscurity to sit as a competent judge; but, if they which were bishops and learned men did think good to consult thereof together, they might. Whereupon when they could not obtain that which they most desired, yet that which was granted them they took, and forthwith had a council. Valentinian went on towards Rome, they remaining in

<sup>11</sup> Sozomen. lib. vi. cap. 7. Ambros. Epist. 32. Quanquam longe aliter Nicephorus. lib. vii. c. 12.

consultation till Valens which accompanied him returned back; so that now there was no remedy, but either to incur a manifest con[80]tempt, or else at the hands even of Valens himself to seek approbation of that they had done. To him, therefore, they became suitors: his answer was short,<sup>c</sup> "Either Arianism, or else exile, which they would;" whereupon their banishment ensued. Let reasonable men therefore<sup>v</sup> now be judges, how much this example of Valentinian doth make against the authority, which we say that sovereign rulers may lawfully have as concerning synods and meetings ecclesiastical.

The clergy, in such wise gathered together, is an ecclesiastical senate, which with us, as in former times the chiefest prelate at his discretion did use to assemble, so afterwards in such considera[80v]tions as have been before specified, it seemeth more meet to annex the said prerogative unto the crown. The plot of reformed discipline not liking hereof so well, taketh order that every former assembly before it break up should itself appoint both the time and place of their after meeting again. But because I find not any thing on that side particularly alleged against us herein, a longer disputation about so plain a cause shall not need.

## CHAPTER VI

### THE POWER OF MAKING LAWS FOR THE CHURCH<sup>1</sup>

[81]<sup>2</sup> The natural subject of power civil all men confess to be the body of the commonwealth: the good or evil estate whereof dependeth so much upon the power of making laws, that in all well settled states, yea though they be monarchies, yet diligent care is evermore had that the commonwealth do not clean resign up herself and make over this power wholly into the hands of any one. For this cause William, whom we call the Conqueror, making war against England in right of his title to the crown, and knowing that as inheritor thereof he could not lawfully change the laws of the land by himself, for that the English commonwealth had not invested their kings before with the fulness of so [81v] great power; therefore he took the style and title of a conqueror. Wherefore, as they themselves cannot choose but grant that the natural subject of power to make laws civil is the commonwealth; so we affirm that in like congruity the true original subject of power also to make church-laws is the whole entire body of that church for which they are made. Equals cannot impose laws and statutes upon their equals. Therefore neither may any one man indifferently impose canons ecclesiastical upon another, nor yet one church upon another. If they go about at any time to do it, they must either shew some commission sufficient for their warrant, or else be justly condemned of presumption [82] in the sight both of God and men. But nature itself doth abundantly authorize the Church to make

<sup>1</sup> [Title supplied.] 1930.

<sup>2</sup> [See App. C, p. 308.] 1930.



laws and orders for her children that are within her. For every whole thing, being naturally of greater power than is any part thereof, that which a whole church will appoint may be with reason exacted indifferently of any within the compass of the same church, and so bind all unto strict obedience.

The greatest agents of the bishop of Rome's inordinate sovereignty strive against no one point with such earnestness as against this, that jurisdiction (and in the name of jurisdiction they also comprehend the power of dominion spiritual) should be thought originally to be the right of the whole Church; [82v] and that no person hath or can have the same, otherwise than derived from the body of the Church.

The reason wherefore they can in no wise brook this opinion is, as Friar Soto confesseth,<sup>3</sup> because they which make councils above popes do all build upon this ground, and therefore even with teeth and all they that favour the papal throne must hold the contrary. Which thing they do. For, as many as draw the chariot of the pope's preeminence, the first conclusion which they contend for is:<sup>4</sup> The power of jurisdiction ecclesiastical doth not rest derived from Christ immediately into the whole body of the Church, but into the prelacy. Unto the prelacy alone it belongeth; as ours also do imagine, unto the governors of the Church [83] alone it was first given, and doth appertain, even of very divine right, in every church established to make such laws concerning orders and ceremonies as occasion doth require.

Wherein they err, for want of observing as they should, in what manner the power whereof we speak was instituted.

<sup>3</sup> [Soto in 4 Sent. ubi infra. "Gerson in Tract. Potest. Eccles." ] K.

<sup>4</sup> Potestas jurisdictionis ecclesiasticæ non residet in toto corpore immediate, sed in prælatis. Caiet. in Opusc. de comp. Pap. et Concil. [t. i. tract. i. c. xii.] Turrec. Summ. Eccl. lib. ii. c. 71. [fol. 196, 197. Venet. 1561. apud] Soto in 4 Sent. dist. 20. q. 1. art. 4. [K.]

One thing it is to ordain a power, and another thing to bestow the same being ordained: or, to appoint the special subject of it, or the person in whom it shall rest. Nature hath appointed that there should be in a civil society power to make laws; but the consent of the people (which are that society) hath instituted the prince's person to be the subject wherein supremacy of that power shall reside. The act of insti[83v]tuting such power may and sometimes doth go in time before the act of conferring or bestowing it. And for bestowing it there may be order two ways taken: namely, either by appointing thereunto some certain person, one or many; or else, without any personal determination, and with appointment only of some determinate condition touching the quality of their persons (whosoever they be that shall receive the same), and for the form or manner of taking it.

Now God himself preventeth sometimes these communities, himself nominateth and appointeth sometimes the subject wherein their power shall rest, and by whom either in whole or in part it shall be exercised; which thing he did often in the common[84]wealth of Israel. Even so Christ having given unto his Church the power whereof we speak, what she doth by her appointed agents, that duty though they discharge, yet is it not theirs peculiarly, but hers; her power it is which they do exercise. But Christ hath sometimes prevented his Church, conferring that power and appointing it unto certain persons himself, which otherwise the Church might have done. Those persons excepted which Christ himself did immediately bestow such power upon, the rest succeeding have not received power as they did, Christ bestowing it upon their persons; but the power which Christ did institute in the Church they from the Church do receive, according to such laws and [84v] canons as Christ hath prescribed, and the light of nature or Scripture taught men to institute.

But in truth the whole body of the Church being the first original subject of all mandatory and coercive power within itself, in case a monarch of the world together with his whole kingdom under him receive Christianity, the question is whether the monarch of that commonwealth may without offence or breach of the law of God have and exercise power of dominion ecclesiastical within the compass of his own territories, in such ample sort as the kings of this land may do by the laws thereof.

*Their power in making ecclesiastical laws.*—[85]<sup>5</sup> The case is not<sup>e</sup> like when such assemblies are gathered together by supreme authority concerning other affairs of the Church, and when they meet about the making of ecclesiastical laws or statutes. For in the one they are only to advise, in the other they are to decree. The persons which are of the one, the King doth voluntarily assemble, as being in respect of gravity<sup>v</sup> fit to consult withal; them which are of the other he calleth by prescript of law, as having right to be thereunto called. Finally, the one are but themselves, and their sentence hath but the weight of their own judgment; the other represent the whole clergy, and their voices are as much as if all did give personal verdict. Now the question [85v] is, Whether the clergy alone so assembled ought to have the whole power of making ecclesiastical laws, or else consent of the laity may thereunto be made necessary, and the King's assent so necessary, that his sole denial may be of force to stay them from being laws.

*What laws may be made for the affairs of the Church, and to whom the power of making them appertaineth.*—If they with whom we dispute were uniform, strong and constant in that which they say, we should not need to trouble ourselves

<sup>5</sup> [See App. D, pp. 311–312.] 1930.



about their persons to whom the power of making laws for the Church belongeth. For they are sometimes very vehement in contention, that from the greatest thing unto the least about the Church, all must needs be immediately from God. And to this they apply<sup>6</sup> the pattern of the ancient tabernacle which God delivered unto Moses, [86] and was therein so exact, that there was not left so much as the least pin for the wit of man to devise in the framing of it. To this they often<sup>v</sup> apply that strict and severe charge<sup>7</sup> which God so often gave concerning his own law, "Whatsoever I command you, take heed ye do it; thou shalt put nothing thereunto, thou shalt take nothing from it;" nothing, whether it be great or small. Yet sometime bethinking themselves better, they speak as acknowledging that it doth suffice to have received in such sort the principal things from God, and that for other matters the Church hath sufficient authority to make laws. Whereupon they now have made it a question, what persons they are whose right it is to take order for the Church's [86v] affairs, when the institution of any new thing therein is requisite.

Laws may be requisite to be made either concerning things that are only to be known and believed in, or else touching that which is to be done by the Church of God. The law of nature and the law of God are sufficient<sup>8</sup> for declaration in both what belongeth unto each man separately, as his soul is the spouse of Christ, yea so sufficient, that they plainly and fully shew whatsoever God doth require by way of necessary introduction unto the state of everlasting bliss. But as a man liveth joined with others in common society, and belongeth unto the outward politic body of the Church,

<sup>6</sup> [Eecl. Disc. transl. by T. C. Comp. T. C. lib. i. p. 84. al. p. 63. ap. Whitg. Def. p. 305.] K.

<sup>7</sup> Deut. xii. 32; iv. 2; Jos. i. 7.

<sup>8</sup> Thom. i. 2. [2 Sum. pars i.] [K] quæst. 108. art. 2.



albeit the said law of nature and of<sup>v</sup> scripture [87] have in this respect also made manifest the things that are of greatest necessity; nevertheless, by reason of new occasions still arising which the Church having care of souls must needs<sup>v</sup> take order for as need requireth, hereby it cometh to pass, that there is and ever will be great use even of human laws and ordinances, deducted by way of discourse as conclusions from the former divine and natural, serving for principles thereunto.

No man doubteth, but that for matters of action and practice in the affairs of God, for the<sup>v</sup> manner of divine service, for order in ecclesiastical proceedings about the regiment of the Church, there may be oftentimes cause very urgent to have laws made: but the [87v] reason is not so plain wherefore human laws should appoint men what to believe. Wherefore in this we must note two things: First, that in matter of opinion, the law doth not make that to be truth which before was not, as in matter of action it causeth that to be duty which was not before, but it manifesteth only and giveth men notice of that to be truth, the contrary whereunto they ought not before to have believed. Secondly, that as opinions do cleave to the understanding, and are in heart assented unto, it is not in the power of any human law to command them, because to prescribe what men shall think belongeth only unto God. "Corde creditur, ore fit confessio," saith the Apostle.<sup>9</sup> [88] As opinions are either fit or inconvenient to be professed, so man's<sup>e</sup> law hath to determine of them. It may for public unity's sake require men's professed assent, or prohibit<sup>v</sup> contradiction to special articles, wherein, as there haply hath been controversy what is true, so the same were like to continue still, not without grievous detriment to a number of souls, except law to

<sup>9</sup> [Rom. x. 10.] K.

remedy that evil should set down a certainty which no man<sup>v</sup> is to gainsay. Wherefore as in regard of divine laws, which the Church receiveth from God, we may unto every man of wisdom<sup>v</sup> apply those words of Solomon,<sup>10</sup> “*Conserva fili mi præcepta patris tui:*” “My son, keep thou thy father’s precepts;” even [88v] so concerning the statutes and ordinances which the Church itself maketh,<sup>v</sup> we may add thereunto the words that follow, “*Et ne dimittas legem matris tuæ,*” “And forsake not thou thy mother’s law.”

It is undoubtedly a thing even natural, that all free and independent societies should themselves make their own laws, and that this power should belong to the whole, not to any certain part of a politic body, though haply some one part may have greater sway in that action than the rest: which thing being generally fit and expedient in the making of all laws, we see no cause why to think otherwise in laws concerning the service of God; which in all well-ordained<sup>v</sup> states and commonwealths is the [89] first thing that law hath care to provide for.<sup>11</sup> When we speak of the right which naturally belongeth to a commonwealth, we speak of that which needs<sup>v</sup> must belong to the Church of God. For if the commonwealth be Christian, if the people which are of it do publicly embrace the true religion, this very thing doth make it the Church, as hath been shewed. So that unless the verity and purity of religion do take from them which embrace it, that power wherewith otherwise they are possessed; look what

<sup>10</sup> Prov. vi. [20.] K.

<sup>11</sup> Δεῖ τὸν νόμον τὰ περὶ Θεοῦ καὶ δαίμονας καὶ γονέας, καὶ ὅλως τὰ καλὰ καὶ τίμια, πρῶτα τίθεσθαι· δεύτερον δὲ τὰ συμφέροντα· τὰ γὰρ μείονα τοῖς μελίσσιν ἀκολουθεῖν καθήκει. Archyt. de Leg. et Justit. [“That is, It behoveth the law first to establish or settle those things which belong to the gods, and divine powers, and to our parents, and universally those things which be virtuous and honourable; in the second place, those things that be convenient and profitable; for it is fit that matters of the less weight should come after the greater.”] CE<sup>2</sup>LM<sup>2</sup>.

authority, as touching laws for religion, a commonwealth hath simply, it must of necessity being Christian, have the same as touching laws for Christian religion.

It will be therefore perhaps [89v] alleged, that a part of the verity of Christian religion is to hold the power of making ecclesiastical laws a thing appropriated unto the clergy in their synods; and that whatsoever is by their only voices agreed upon, it needeth no further approbation to give unto it the strength of a law: as may plainly appear by the canons of that first most venerable assembly,<sup>12</sup> where those things which the Apostles and James had concluded, were afterward published and imposed upon the churches of the Gentiles abroad as laws, the records thereof remaining still in the book of God for a testimony, that the power of making ecclesiastical laws belongeth to the successors of the Apostles, bishops and prelates of the Church of God.

[90] To this we answer, that the council of Jerusalem is no argument for the power of the clergy alone to make laws. For first, there hath not been since any council of like authority to that in Jerusalem: secondly, the cause why that was of such authority came by a special accident: thirdly, the reason why other councils being not like unto that in nature, the clergy in them should have no power to make laws by themselves alone, is in truth so forcible, that except some commandment of God to the contrary can be shewed, it ought notwithstanding the foresaid example to prevail.

The decrees of the council of Jerusalem were not as the canons of other ecclesiastical assemblies, human, [90v] but very divine ordinances: for which cause the churches were far and wide commanded<sup>13</sup> every where to see them kept, no otherwise than if Christ himself had personally on earth been the author of them.

<sup>12</sup> Acts xv. 7, 13, 23.

<sup>13</sup> Acts xvi. 4.



The cause why that council was of so great authority and credit above all others which have been since, is expressed in those words of principal observation,<sup>14</sup> "Unto the Holy Ghost and to us it hath seemed good:" which form of speech, though other councils have likewise used, yet neither could they themselves mean, nor may we so understand them, as if both were in equal sort assisted with the power of the Holy Ghost; but the later had the favour of that general assistance and presence which Christ doth promise<sup>15</sup> unto all his, according [91] to the quality of their several estates and callings; the former, that grace of special, miraculous, rare, and extraordinary illumination, in relation whereunto the Apostle, comparing the Old Testament and the New together, termeth<sup>16</sup> the one a Testament of the letter, for that God delivered it written in stone, the other a Testament of the Spirit, because God imprinted it in the hearts and declared it by the tongues of his chosen Apostles through the power of the Holy Ghost, framing both their conceits and speeches in more<sup>v</sup> divine and incomprehensible manner. Wherefore inasmuch as the council of Jerusalem did chance to consist of men so enlightened, it had authority greater than were meet for any other council besides to challenge, wherein no such kind of persons are.

[91v] As now the state of the Church doth stand, kings being not then that which now they are, and the clergy not now that which then they were: till it be proved that some special law of Christ hath for ever annexed unto the clergy alone the power to make ecclesiastical laws, we are to hold it a thing most consonant with equity and reason, that no ecclesiastical law be made in a Christian commonwealth, without consent as well of the laity as of the clergy, but least of all without consent of the highest power.

<sup>14</sup> [Acts xv. 28.] K.

<sup>15</sup> Matt. xvi. [Matt.] ult. [xxviii. 20.] K.

<sup>16</sup> 2 Cor. iii. [3,] 6. [K.]



[92] For of this thing no man doubteth, namely, that in all societies, companies, and corporations, what severally each shall be bound unto, it must be with all their assents ratified.<sup>17</sup> Against all equity it were that a man should suffer detriment at the hands of men, for not observing that which he never did either by himself or by others, mediately or immediately, agree unto; much more that a king should constrain all others unto the strict observation of any such human ordinance as passeth without his own approbation. In this case therefore especially that vulgar axiom is of force,<sup>18</sup> “Quod omnes tangit ab omnibus tractari et approbari debet.” Whereupon Pope Nicholas, although otherwise not admitting lay-persons, no not emperors themselves [92v] to be present at synods, doth notwithstanding seem to allow of their presence when matters of faith are determined, whereunto all men must stand bound:<sup>19</sup> “Ubinam legistis imperatores, antecessores vestros, synodalibus conventibus interfuisse; nisi forsitan in quibus de fide tractatum est, quæ universalis est, quæ omnibus communis est, quæ non solum ad clericos, verum etiam ad laicos et omnes pertinet Christianos?” A law, be it civil or ecclesiastical, is as<sup>v</sup> a public obligation, wherein seeing that the whole standeth charged, no reason it should pass without his privity and will, whom principally the whole doth depend upon. “Sicut laici jurisdictionem clericorum perturbare,<sup>e</sup> ita clerici jurisdictionem laicorum non debent imminuere;” saith Innocentius.<sup>20</sup> “As the [93] laity should not hinder the clergy’s jurisdiction, so neither is it

<sup>17</sup> [Decretal. Greg. v. 31, 14. c. 1642. Lugd. 1572.] [K] Cap. *Delecta*, de Excess. Prælator. [Digest. lib. viii. tit. 3. de Servitutibus.] [K] Praed. rusticorum. 1. [11.] *Per fundum*. et [Instit. lib. ii. tit. 1.] [K] de Rerum Divis. ¶ [9.] *Religiosum*.

<sup>18</sup> Gloss. [in verb. *Pertinet*.] dist. 96. c. *Ubinam*.

<sup>19</sup> [Deer. Gratian. pars i. d. 96.] K.

<sup>20</sup> Extrav. de Judic. c. *Novit*.

reason that the laity's right should be abridged by the clergy," saith<sup>v</sup> Innocent. But were it so that the clergy alone might give laws unto all the rest, forasmuch as every estate doth desire to enlarge the bounds of their own liberties, is it not easy to see how injurious this might prove unto men of other condition? Peace and justice are maintained by preserving unto every order their rights, and by keeping all estates as it were in an even balance. Which thing is no way better done, than if the king, their common parent, whose care is presumed to extend most indifferently over all, do bear the chiefest sway in the making of laws which all must be ordered by.

[93v] Wherefore, of them which in this point attribute most to the clergy, I would demand what evidence there is, which way<sup>v</sup> it may clearly be shewed, that, in ancient kingdoms Christian, any canon devised by the clergy alone in their synods, whether provincial, national, or general, hath by mere force of their agreement taken place as a law, making all men constrainable to be obedient thereunto, without any other approbation from the king<sup>e</sup> before or afterwards required in that behalf? But what speak we of ancient kingdoms, when at this day, even in the papacy itself, the very Tridentine council hath not every where as yet obtained to have in all points the strength of ecclesiastical law. Did not Philip, king of Spain, publishing that council in [94] the Low Countries, add thereunto<sup>21</sup> an express clause of special provision, that the same should in no wise prejudice, hurt, or diminish any kind of privilege which the king or his vassals aforetime had enjoyed, either<sup>v</sup> touching possessory judgments of ecclesiastical livings, or concerning nominations thereunto, or belonging to whatsoever rights they had else in such affairs? If therefore the king's exception

<sup>21</sup> Boet. Epo, Heroic. Quæst. lib. i. ¶ 284.

taken against some part of the canons contained in that council, were a sufficient bar to make them of none effect within his territories; it followeth that the like exception against any other part had been also of like efficacy, and so consequently that no part thereof had obtained the strength of a law, if he [94v] which excepted against a part had so done against the whole: as, what reason was there but that the same authority which limited might quite and clean have refused that council? Whoso alloweth the said act of the Catholic king for good and lawful, must grant that the canons even of general councils have but the force of wise men's opinions concerning that whereof they treat, till they be publicly assented unto, where they are to take place as laws; and that, in giving such public assent, as maketh a Christian kingdom subject unto those laws, the king's authority is the chiefest. That which an university of men, a company or corporation doth without consent of their rector, is as nothing. Except therefore we make the king's authority [95] over the clergy less in the greatest things, than the power of the meanest governor is in all things over the college or society which is under him; how should we think it a matter decent, that the clergy should impose laws, the supreme governor's assent not asked?<sup>22</sup>

[96] Yea that which is more, the laws thus made, God himself doth in such sort authorize, that to despise them, is to despise in them him. It is a loose and licentious opinion, which the Anabaptists have embraced, holding that a Christian man's liberty is lost, and the soul which Christ hath redeemed unto himself injuriously drawn into servitude under the yoke of human power, if any law be now imposed besides the Gospel of Christ, in obedience whereunto the Spirit of

<sup>22</sup> [D 95v is blank.] 1930.



God, and not the constraint of men, is to lead us, according to that of the blessed Apostle,<sup>23</sup> "Such as are led by the Spirit of God, they are the sons of God," and not such as live in thralldom unto men. Their judgment is therefore that the Church [96v] of Christ should admit no lawmakers but the evangelists, no courts but presbyteries, no punishments but ecclesiastical censures.

As against this sort, we are to maintain the use of human laws, and the continual necessity of making them from time to time, as long as this present world doth last; so likewise the authority of laws so made doth need much more by us to be strengthened against another sort, who, although they do not utterly condemn the making of laws in the Church, yet make they a great deal less account of them than they should do. There are which think simply of human laws, that they can in no sort touch the conscience; that to break and [97] transgress them cannot make men in the sight of God culpable as sin doth; only when we violate such laws, we do thereby make ourselves obnoxious unto external punishment in this world, so that the magistrate may<sup>e</sup> in regard of such offence committed justly correct the offender, and cause him without injury to endure such pain as the law doth appoint; but further it reacheth not. For first, the conscience is the proper court of God, the guiltiness thereof is sin, and the punishment eternal death: men are not able to make any law that shall command the heart, it is not in them to make the inward conceit a crime, or to appoint for any crime other<sup>e</sup> punishment than corporal: [97v] their laws therefore can have no power over the soul, neither can the heart of man be polluted by transgressing them. S. Augustine<sup>24</sup> rightly defineth sin to be that which is spoken, done or desired, not against any law, but against the law of the living

<sup>23</sup> Rom. viii. 14.

<sup>24</sup> [Contra Faustum. lib. xxii. 27.] K.



God. The law of God is proposed unto men, as a glass wherein to behold the stains and<sup>v</sup> spots of their sinful souls. By it they are to judge themselves, and when they find<sup>v</sup> themselves to have transgressed against it, then to bewail their offences with David,<sup>25</sup> "Against thee only, O Lord, have I sinned, and done wickedly in thy sight;" that so our present tears may extinguish the flames, which otherwise we are to feel, and which [98] God in that day shall condemn the wicked unto, when they shall render account of the evil which they have done, not by violating statute laws and canons, but by disobedience unto his law and word.

For our better instruction therefore in this point, first, we must note, that the law of God himself doth require at our hands subjection. "Be ye subject," saith S. Peter;<sup>26</sup> and S. Paul,<sup>27</sup> "Let every soul be subject; subject all unto such powers as are set over us." For if such as are not set over us require our subjection, we by denying it are not disobedient to the law of God, or undutiful unto higher powers; because though they be such in regard of them over whom they have lawful dominion, yet having not so over [98v] us, unto us they are not such.<sup>28</sup>

Subjection therefore we owe, and that by the law of God; we are in conscience bound to yield it even unto every of them that hold the seats of authority and power in relation unto us. Howbeit, not all kind of subjection unto every such kind of power. Concerning Scribes and Pharisees, our

<sup>25</sup> [Psalm li. 4.] K.

<sup>26</sup> [1 Pet. ii. 13.] K.

<sup>27</sup> [Rom. xiii. 1.] K.

<sup>28</sup> ["Verum ac proprium civis a peregrino discrimen est, quod alter imperio ac potestate civili obligatur; alter jussa principis alieni respuere potest. Illum princeps ab hostium æque ac civium injuria tueri tenetur; hunc non item nisi rogatus et humanitatis officiis impulsus," saith Bodin, de Rep. lib. i. cap. 6. non multum a fine. p. 61. B. edit. Lugd. in fol. 1586.] BCE<sup>2</sup>LM<sup>2</sup>.

Saviour's precept was,<sup>29</sup> "Whatsoever they shall tell you, do it;" was it his meaning, that if they should at any time enjoin the people to levy an army, or to sell their lands and goods for the furtherance of so great an<sup>e</sup> enterprize; and in a word, that whatsoever<sup>v</sup> simply it were which they did command, they ought without any exception forthwith to be obeyed? No, but "whatsoever they shall tell [99] you," must be understood *in pertinentibus ad Cathedram*, it must be construed with limitation, and restrained unto things of that kind which did belong to their<sup>e</sup> place and power. For they had not power general, absolutely given them to command in all things.

The reason why we are bound in conscience to be subject unto all such powers<sup>v</sup> is, because all "powers are of God."<sup>30</sup> They are of God either instituting or permitting them. Power is then of divine institution, when either God himself doth deliver, or men by light of nature find out the kind thereof. So that the power of parents over children, and of husbands over their wives, the power of all sorts of superiors, made by consent of common[99v]wealths within themselves, or grown from agreement amongst nations, such power is of God's own institution in respect of the kind thereof. Again, if respect be had unto those particular persons to whom the same is derived, if they either receive it immediately from God, as Moses and Aaron did; or from nature, as parents do; or from men by a natural and orderly course, as every governor appointed in any commonwealth, by the order thereof, doth: then is not the kind of their power only of God's institution,<sup>v</sup> but the derivation thereof also into their persons, is from him. He hath placed them in their rooms, and doth term them his ministers; subjection therefore is due unto all such powers, inasmuch as they are of God's own insti[100]tution,

<sup>29</sup> [Matt. xxiii. 3.] K.

<sup>30</sup> [Rom. xiii. 1.] K.

even then when they are of man's creation, *omni humanæ creaturæ*: which things the heathens themselves do acknowledge:

Σκηπτοῦχος βασιλεὺς, ὥτε Ζεὺς κύδος ἔδωκεν.<sup>31</sup>

As for them that exercise power altogether against order, although the kind of power which they have may be of God, yet is their exercise thereof against God, and therefore not of God, otherwise than by permission, as all injustice is.

Touching such acts as are done by that power which is according to his institution, that God in like sort doth authorize them, and account them to be his; though it were not confessed, it might be proved undeniable. For if that be accounted our deed, which others do, whom we have appointed to be our agents, how should God but approve those deeds, even as his own, which are done [100v] by virtue of that commission and power which he hath given. "Take heed," saith Jehoshaphat unto his judges,<sup>32</sup> "be careful and circumspect what ye do; ye do not execute the judgments of men,<sup>v</sup> but of the Lord." The authority of Cæsar over the Jews, from whence was it? Had it any other ground than the law of nations, which maketh kingdoms, subdued by just war, to be subject unto their conquerors? By this power Cæsar exacting tribute, our Saviour confesseth it to be his right, a right which could not be withheld without injury; yea disobedience herein to<sup>v</sup> him had been<sup>v</sup> rebellion against God.

[101] Usurpers of power, whereby we do not mean them that by violence have aspired unto places of highest<sup>c</sup> authority, but them that use more authority than they did ever receive in form and manner beforementioned; (for so they may do,

<sup>31</sup> ["A sceptre-swaying king, to whom even Jupiter himself hath given honor or command."] CE<sup>2</sup>LM<sup>2</sup>. Hom. Il. lib. i. [ver. 279.] K.

<sup>32</sup> 2 Chron. xix. 6.



whose title unto the rooms of authority which they possess, no man can deny to be just and lawful: even as contrariwise some men's proceedings<sup>v</sup> in government have been very orderly, who notwithstanding did not attain to be made governors without great violence and disorder;) such usurpers therefore, as in the exercise of their power do more than they have been authorized to do, cannot in conscience bind any man unto obedience.

That subjection which we owe unto lawful powers, doth not [101v] only import that we should be under them by order of our state, but that we shew all submission towards them both by honour and obedience. He that resisteth them, resisteth God: and resisted they are,<sup>v</sup> if either the authority itself which they exercise be denied, as by Anabaptists all secular jurisdiction is; or if resistance be made but only so far forth as doth touch their persons which are invested with power (for they which said, *Nolumus hunc regnare*, did not utterly exclude regiment; nor did they wish all kind of government clean removed, which would not at the first have David<sup>v</sup> govern): or if that which they do by virtue of their power, namely, their laws, edicts, sentences, or other acts of jurisdiction, be not suffered to take effect, contrary [102] to the blessed Apostle's most holy precept, "Obey them that have the oversight of you."<sup>33</sup> Of if they do take effect, yet is not the will of God thereby satisfied neither, as long as that which<sup>c</sup> we do is contemptuously or repiningly done, because we can do no otherwise. In such sort the Israelites in the desert obeyed Moses, and were notwithstanding deservedly plagued for disobedience. The Apostle's precept therefore is, "Be subject even for God's cause; be subject, not for fear, but for mere conscience, knowing, that he which resisteth them, purchaseth unto himself condemnation."

<sup>33</sup> Heb. xiii. 17.



Disobedience therefore unto laws which are made by men is not a thing of so small account as some would make it.

Howbeit, too rigorous it were, that the breach of every human law [102v] should be held a deadly sin: a mean there is between those extremities, if so be we can find it out.

*Of the authority of making laws.*<sup>34</sup>—[109]<sup>35</sup> There are which wonder that we should count any statute a law, which the high court of parliament in England hath established about the matter of church regiment; the prince and court of parliament having, as they suppose, no more lawful means to give order to the Church and clergy in these things, than they have to make laws for the hierarchies of angels in heaven:<sup>36</sup> that the parliament being a mere temporal court, can neither by the law of nature, nor of God, have competent power to define of such matters; that supremacy of power in this kind cannot belong unto kings, as kings, because pagan emperors, whose princely power was notwithstanding true sovereignty, never challenged thus [109v] much over the Church: that power, in this kind, cannot be the right of any earthly crown, prince, or state, in that they be Christian, forasmuch as if they be Christians, they all owe subjection unto the pastors of their souls: that the prince therefore not having it himself cannot communicate it unto the parliament, and consequently cannot make laws, hear, or determine of the Church's regiment by himself, parliament, or any other court in such sort subjected unto him.

The parliament of England together with the convocation annexed thereunto, is that whereupon the very essence of all government within this kingdom doth depend; it is even the body of the whole realm; it consisteth of the king, and of all that [110] within the land are subject unto him:

<sup>34</sup> [From BCELMQ.] 1930. <sup>35</sup> [See App. D, pp. 313-314.] 1930.

<sup>36</sup> [Allen, Apol. 1583, c. iv. pp. 64-69.] K.

for they all are there present, either in person or by such as they voluntarily have derived their very personal right unto. The parliament is a court not so merely temporal as if it might meddle with nothing but only leather and wool.<sup>37</sup>

— Those days of Queen Mary are not yet forgotten, wherein the realm did submit itself unto the legate of Pope Julius: at which time had they been persuaded as this man seemeth now to be, had they thought that there is no more force in laws made by parliament concerning the Church affairs, than if men should take upon them to make orders for the hierarchies of angels in heaven, they might have taken all former statutes in<sup>v</sup> [110v] that kind as cancelled, and by reason of nullity abrogated in themselves. What need was there that they should bargain with the cardinal, and purchase their pardon by promise made beforehand, that what laws they had made, assented unto, or executed against the bishop of Rome's supremacy, the same they would in that present parliament effectually abrogate and repeal? Had they power to repeal laws made, and none to make laws concerning the regiment of the Church?

Again, when they had by suit obtained his confirmation for such foundation<sup>v</sup> of bishoprics, cathedral churches, hospitals, colleges, and schools; for such marriages before made, for such institutions unto livings ecclesiastical, and for all [111] such judicial processes, as having been ordered according to laws before in force, but contrary to the canons and orders of the church of Rome, were in that respect thought defective; although the cardinal in his letters of dispensation did give validity unto those acts, even *apostolicæ firmitatis robur*, "the very strength of apostolical solidity," what had all this been without those grave authentical words,<sup>38</sup> "Be it enacted by the authority of this present parliament, that all and

<sup>37</sup> [Saravia, de Honore Præsulibus et Presbyteris debito. c. 25.] K.

<sup>38</sup> An. 1 et 2 Phil. et Mar. c. 8.

singular articles and clauses contained in the said dispensation, shall remain and be reputed and taken to all intents and constructions in the laws of this realm, lawful, good and effectual to be alleged and pleaded in all courts ecclesiastical and temporal, for good and sufficient matter either for the plaintiff or defendant, [111v] without any allegation or objection to be made against the validity of them by pretence of any general council, canon, or decree to the contrary." Somewhat belike they thought there was in this mere temporal court, without which the pope's own mere ecclesiastical legate's dispensation had taken small effect in the Church of England; neither did they or the cardinal himself, as then,<sup>v</sup> imagine any thing committed against the law of nature or of God, because they took order for the Church's affairs, and that even in the court of parliament.

The most natural and religious course in making of laws is, that the matter of them be taken from the judgment of the wisest in those things which they are to concern. [112] In matters of God, to set down a form of public prayer, a solemn confession of the articles of Christian faith, rites and ceremonies meet for the exercise of religion; it were unnatural not to think the pastors and bishops of our souls a great deal more fit, than men of secular trades and callings: howbeit, when all which the wisdom of all sorts can do is done for devising of laws in the Church, it is the general consent of all that giveth them the form and vigour of laws, without which they could be no more unto us than the counsels of physicians to the sick: well might they seem as wholesome admonitions and instructions, but laws could they never be without consent of the whole Church, which is the only thing [112v] that<sup>v</sup> bindeth each member of the Church, to be guided by them. Whereunto both nature and the practice of the Church of God set down in Scripture, is found every way so fully consonant, that God himself would not impose, no not his own



laws upon his people by the hand of Moses,<sup>39</sup> without their free and open consent. Wherefore to define and determine even of the church's affairs by way of assent and approbation, as laws are defined of in that right of power, which doth give them the force of laws; thus to define of our own church's regiment, the parliament of England hath competent authority.

Touching the<sup>v</sup> supremacy of power which our kings have in this case of making laws, it resteth principally in the [113] strength of a negative voice; which not to give them, were to deny them that without which they were but kings by mere title, and not in exercise of dominion. Be it in states of regiment popular, aristocratical, or regal, principality resteth in that person, or those persons, unto whom is given the right of excluding any kind of law whatsoever it be before establishment. This doth belong unto kings, as kings; pagan emperors even Nero himself had not less, but much more than this in the laws of his own empire. That he challenged not any interest in giving voice in the laws of the church, I hope no man will so construe, as if the cause were conscience, and fear to encroach upon the Apostles' right.

[113v] If then it be demanded by what right from Constantine downward, the Christian emperors did so far intermeddle with the church's affairs, either we must herein condemn them utterly, as being over presumptuously bold, or else judge that by a law which is termed *Regia*, that is to say royal, the people having derived into the<sup>v</sup> emperor their whole power for making of laws, and by that mean<sup>v</sup> his edicts being made laws,<sup>40</sup> what matter soever they did con-

<sup>39</sup> [Exod. xix.] Q.

<sup>40</sup> "Quod principi placuit, legis habet vigorem: cum lege Regia, quæ de ejus imperio lata est, populus ei et in eum omne imperium suum et potestatem concedat." Instit. lib. i. t. 2. [de J. N. G. et C.] EM [§ 6.] K.



cern, as imperial dignity endowed them with competent authority and power to make laws for religion, so they were taught by Christianity to use their power, being Christians, unto the benefit of the Church of Christ. Was there any Christian bishop in the world which did then judge this repugnant unto the [114] dutiful subjection which Christians do owe to the pastors of their souls? to whom, in respect of their sacred order, it is not by us, neither may be denied, that kings and princes are as much as the very meanest that liveth under them, bound in conscience to shew themselves gladly and willingly obedient, receiving the seals of salvation, the blessed sacraments, at their hands, as at the hands of our Lord Jesus Christ, with all reverence, not disdaining to be taught and admonished by them, not<sup>r</sup> withholding from them as much as the least part of their due and decent honour. All which, for any thing that hath been alleged, may stand very well without resignation of supremacy of power in making laws, even laws con[114v]cerning the most spiritual affairs of the Church.

Which laws being made amongst us, are not by any of us so taken or interpreted, as if they did receive their force from power which the prince doth communicate unto the parliament, or to any other court under him, but from power which the whole body of this realm being naturally possessed with, hath by free and deliberate assent derived unto him that ruleth over them, so far forth as hath been declared. So that our laws made concerning religion, do take originally their essence from the power of the whole realm and church of England, than which nothing can be more consonant unto the law of nature and the will of our Lord Jesus Christ.

[115] To let these go, and to return to our own men; "Ecclesiastical governors," they say,<sup>41</sup> "may not meddle with

<sup>41</sup> T. C. lib. i. p. 292. [192] BCLMQ.

the making of civil laws, and of laws for the commonwealth; nor the civil magistrate, high or low, with making of orders for the Church." It seemeth unto me very strange, that those men which are in no cause more vehement and fierce, than where they plead that ecclesiastical persons may not *κυριεῖν* [*be lords*], should hold that the power of making ecclesiastical laws, which thing is of all other most proper unto dominion, belongeth to none but persons ecclesiastical only. Their oversight groweth herein for want of exact observation, what it is to make a law. Tully, speaking of the law of nature, saith, "That thereof God [115v] himself was *inventor*, *disceptator*, *lator*, the deviser, the discussor,<sup>v</sup> the deliverer:"<sup>42</sup> wherein he plainly alludeth unto the chiefest part<sup>v</sup> which then did appertain to this public action. For when laws were made, the first thing was to have them devised; the second, to sift them with as much exactness of judgment as any way might be used; the next, by solemn voice of sovereign authority to pass them, and give them the force of laws. It cannot in any reason seem otherwise than most fit, that unto ecclesiastical persons the care of devising ecclesiastical laws be committed, even as the care of civil unto them which are in those affairs most skilful. This taketh not away from ecclesiastical persons all right of giving [116] voice with others, when civil laws are proposed for regiment of that<sup>v</sup> commonwealth, whereof themselves, (howsoever now the world would have them annihilated,) are notwithstanding as yet a part: much less doth it cut off that part of the power of princes, whereby, as they claim, so we know no reasonable cause wherefore we may not grant them, without offence of Almighty God, so much authority in making of all manner of laws within their own dominions, that neither civil nor ecclesiastical do pass without their royal assent.

<sup>42</sup> [De Rep. iii. ap. Lactant. vi. 8.] K.

In devising and discussing of laws, wisdom is specially required: but that which establisheth<sup>v</sup> and maketh them, is power, even power of dominion; the chieftly whereof, amongst us, [116v] resteth in the person of the king. Is there any law of Christ's which forbiddeth kings and rulers of the earth to have such sovereign and supreme power in the making of laws, either civil or ecclesiastical? If there be, our controversy hath an end.

Christ in his church hath not appointed any such law concerning temporal power, as God did of old deliver<sup>v</sup> unto the commonwealth of Israel; but leaving that to be at the world's free choice, his chiefest care was [that]<sup>v</sup> the spiritual law of the Gospel might be published far and wide.

They that received the law of Christ, were for a long time people scattered in sundry kingdoms, Christianity not exempting them from the laws which they had been [117] subject unto, saving only in such cases as those laws did enjoin that which the religion of Christ forbade. Hereupon grew their manifold persecutions throughout all places where they lived: as oft as it thus came to pass, there was no possibility that the emperors and kings under whom they lived, should meddle any whit at all with making laws for the Church. From Christ therefore having received power, who doubteth, but as they did, so they might bind themselves to such orders as seemed fittest for the maintenance of their religion, without the leave of high or low in the commonwealth; forasmuch as in religion it was divided utterly from them, and they from it?

But when the mightiest be [117v]gan to like of the Christian faith; by their means whole free states and kingdoms became obedient unto Christ. Now the question is, whether kings by embracing Christianity do therein receive any such law, as taketh from them the weightiest part of that sovereignty which they had even when they were heathens:



whether being infidels they might do more in causes of religion, than now they can by the law of God, being true believers. For whereas in regal states, the king or supreme head of the commonwealth, had before Christianity a supreme stroke in the making of laws for religion: he must by embracing Christian religion utterly thereof deprive himself, and in such causes become a [118] subject to his own subjects, having even within his own dominions them whose commandment he must obey; unless this power be placed in the hand of some foreign spiritual potentate: so that either a foreign or domestical commander on earth he must needs admit, more now than before he had, and that in the chieftest things whereupon commonwealths do stand. But apparent it is unto all men which are not strangers in the doctrine of Jesus Christ, that no state in the world receiving Christianity is by any law therein contained bound to resign the power which they lawfully held before: but over what persons and in what causes soever the same hath been in force, it may so remain and con[118v]tinue still. That which as kings they might do in matter of religion, and did in matters of false religion, being idolaters or superstitious kings, the same they are now even in every respect as fully authorized to do in all affairs pertinent unto the state of true and Christian religion.

*Power to make laws.*<sup>43</sup>—[103] And concerning their<sup>v</sup> supreme power for<sup>v</sup> making laws for all persons in all causes to be guided by, it is not to be let pass, that the head enemies of this headship are constrained to acknowledge<sup>44</sup> the king endowed even with this very power, so that he may and ought to exercise the same, taking order for the Church and her affairs of what nature or kind soever, in case of necessity: as when there is no lawful ministry, which they interpret then to be

<sup>43</sup> [Title in D only.] 1930.

<sup>44</sup> T. C. lib. iii. p. 159.



(and this surely is a point very markable), whensoever the ministry is wicked. A wicked ministry no lawful ministry; and in such sort no lawful ministry, that what doth belong to<sup>v</sup> them as ministers by right of their calling, the same to be annihilated in respect of their bad qualities; [103v] their wickedness in itself a deprivation of right to deal in the affairs of the Church, and a warrant for others to deal in them which are held to be of a clean other society, the members whereof have been before so peremptorily forever excluded from power of dealing with the affairs of the Church.

They which have once thoroughly learned this lesson, will quickly be capable perhaps of another equivalent unto it. For if the wickedness of the ministry transfer their right unto the king; in case the king be as wicked as they, to whom<sup>v</sup> shall the right descend? There is no remedy, all must come by devolution at the length, even as the family of Brown will have it,<sup>45</sup> unto the godly among the people; [104] for confusion to<sup>v</sup> the wise and to the great, the poor and the simple, some Knipperdoling<sup>46</sup> with his retinue, must take the<sup>v</sup> work of the Lord in hand; and the making of church laws must prove to be their right in the end. If not for love of the truth, yet for very shame of so gross absurdities, let these contentions and shifting fancies be abandoned.

The cause which moved<sup>e</sup> them for a<sup>e</sup> time to hold a wicked ministry no lawful ministry; and in this defect of a lawful ministry, kings authorized to make laws and orders for the affairs of the Church, till the Church be well established, is surely this: first, they see that whereas the continual dealing of the kings of Israel in the affairs of the Church doth make now very [104v] strongly<sup>v</sup> against them, the burden

<sup>45</sup> [See at the end of Greenwood's "Answer to G. Gifford's pretended Defence of Read Prayers," 1590, a circular letter from the bishop of London to his clergy.] K.

<sup>46</sup> [See Sleidan, *Commentar. b. x. f. 106. ed. 1559.*] K.

thereof they shall in time well enough shake off, if it may be obtained that it is for kings lawful indeed to follow those holy examples, howbeit no longer than during the foresaid<sup>v</sup> case of necessity, while the wickedness, and in respect thereof the unlawfulness of the ministry doth continue. Secondly, they perceive right well, that unless they should yield authority unto kings in case of such supposed necessity, the discipline they urge were clean excluded, as long as the clergy of England doth thereunto remain opposite. To open therefore a door for her entrance, there is no remedy but the tenet must be this: that now when the ministry of England is univer[105]sally wicked, and, in that respect, hath lost all authority, and is become no lawful ministry, no such ministry as hath the right which otherwise should belong unto them, if they were virtuous and godly as their adversaries are; in this necessity the king may do somewhat for the church: that which we do imply in the name of headship, he may both have and exercise till they be entered which will disburden and ease him of it; till they come, the king is licensed to hold that power which we call headship. But what afterwards? In a church [well?] ordered, that which the supreme magistrate hath,<sup>47</sup> is "to see that the laws of God touching his worship, and touching all matters and<sup>e</sup> orders of the Church, be executed [105v] and duly observed; to see that every ecclesiastical person do that office whereunto he is appointed; to punish those that fail in their office." In a word, (that which Allen himself acknowledgeth,)<sup>48</sup> unto the earthly power which God hath given him it doth belong to defend the laws of the Church, to cause them<sup>e</sup> to be executed, and to punish the<sup>v</sup> transgressors of the same.

On all sides therefore it is confessed, that to the king belongeth power of maintaining<sup>v</sup> laws made for the church regiment,

<sup>47</sup> T. C. lib. i. p. 192. [al. 153. ap. Whitg. Def. 694.] K.

<sup>48</sup> Apol. fol. 4. p. 2. [f. 40. p. 2.] BCELMQ.

and of causing them to be observed; but principality of power in making them, which is the thing that we attribute unto kings, this both the one sort and the other [do] withstand.<sup>49</sup>

Although<sup>50</sup> not both in such sort but that still it is granted by the one that [107v] albeit ecclesiastical councils consisting of church officers did frame the laws whereby the church affairs were ordered in ancient times, yet no canon, no not of any council, had the force of a law in the Church, unless it were ratified and confirmed by the emperor being Christian. Seeing therefore it is acknowledged,<sup>51</sup> that it was then the manner of the emperor to confirm the ordinances which were made by the ministers, which is as much in effect to say that the emperor had in church ordinances a voice negative;—and that without his confirmation they had not the strength of public ordinances;—why are we condemned as giving more unto kings [108] than the Church did in those times, we giving them no more but that supreme power which the emperor did then exercise with much larger scope than at this day any Christian king either doth or possibly can use it over the Church?<sup>52</sup>

Wherein it is, from the purpose altogether, alleged, that Constantine<sup>53</sup> termeth [106] church officers, “Overseers of things within the Church,”<sup>54</sup> himself, “of those without the Church”: that Hilary<sup>55</sup> beseecheth the emperor Constance to provide that the governors of his provinces should not presume to take upon them the judgment of ecclesiastical causes,

<sup>49</sup> [Chapter VI ends here in BCELMQ. MS D and *Clavi Trabales* add pp. 251–252. See App. C, p. 308.] 1930.

<sup>50</sup> [In MS D and *Clavi Trabales* this paragraph follows “unto kings,” p. 252, below.] 1930.

<sup>51</sup> T. C. lib. i. p. 193. [al. 154. ap. Def. 698.] K.

<sup>52</sup> [D 108v is blank.] 1930.

<sup>53</sup> T. C. lib. iii. p. 155.

<sup>54</sup> Euseb. de Vit. Constant. lib. iv.

<sup>55</sup> Lib. ad Const.



unto whom commonwealth matters only belonged: that Ambrose<sup>56</sup> affirmeth palaces to belong unto [the] emperor, but churches to the minister: the emperor to have authority of the common walls of the city, and not over holy things. For which cause he would never yield to have "the causes of the Church debated in the prince's consistory," but "excused himself to the emperor Valentinian, for that being convented to answer concerning church matters in a civil court, he came not:" that [106v] Augustine<sup>57</sup> witnesseth, how the emperor not daring to judge of the bishops' cause, committed it unto the bishops; and was to crave pardon of the bishops, for that by the Donatists' importunity, which made no end of appealing unto him, he was, being weary of them, drawn to give sentence in a matter of theirs. All which hereupon may be inferred reacheth no further than only unto the administration of church affairs, or the determining of strifes and controversies rising about the matter of religion: it proveth that in former ages of the world it hath been judged most convenient for church officers to have the hearing of causes merely ecclesiastical, and not the emperor himself in person to give sentence of them. No one man [107] can be sufficient for all things.

And therefore public affairs are divided, each kind in all well-ordered states allotted unto such kind of persons as reason presumeth fittest to handle them. Reason cannot presume kings ordinarily so skilful as to be personal judges meet for the common hearing and determining of church controversies; but they which are hereunto appointed, and have all their proceedings authorized by such power as may cause them to take effect. The principality of which power in making laws, whereunto all these things depend, is not by any of these allegations proved incommunicable unto kings.

<sup>56</sup> Lib. v. Ep. 33.

<sup>57</sup> Ep. 166. 162.



## CHAPTER VII

### THE PRINCE'S POWER IN THE ADVANCEMENT OF BISHOPS UNTO THE ROOMS OF PRELACY<sup>1</sup>

[119]<sup>2</sup> Touching the advancement of prelates unto their rooms by the king; whereas it seemeth in the eyes of many a thing very strange that prelates, the officers of God's own sanctuary, than which nothing is more sacred, should be made by persons secular; there are that will not have kings be altogether of the laity, but to participate that sanctified power which God hath endued his clergy with, and that in such respect they are anointed with oil. A shift vain and needless. For as much as, if we speak properly, we cannot say kings do make, but that they only do place, bishops. For in a bishop there are these three things to be considered; the power whereby he is distinguished from other pastors; the special portion of the clergy and people over [119v] whom he is to exercise that bishoply power; and the place of his seat or throne, together with the profits, preeminences, honours thereunto belonging. The first every bishop hath by consecration; the second his election investeth him with; the third he receiveth of the king alone.

With consecration the king intermeddleth not further than only by his letters to present such an elect bishop as shall be consecrated. Seeing therefore that none but bishops do consecrate, it followeth that none but they only do give unto every bishop his being. The manner of uniting bishops as heads, unto the flock and clergy under them, hath often

<sup>1</sup> [Title from *Clavi Trabales.*] 1930.

<sup>2</sup> [See App. C, p. 307.] 1930.

altered. For, if some be not deceived, this thing was sometime done even without any election at all. [120] At the first (saith he to whom the name of Ambrose is given)<sup>3</sup> the first created in the college of presbyters was still the bishop. He dying, the next senior did succeed him. “Sed quia cœperunt sequentes presbyteri indigni inveniri ad primatus tenendos immutata est ratio, prospiciente concilio; ut non ordo sed meritum crearet episcopum multorum sacerdotum iudicio constitutum, ne indignus temere usurparet et esset multis scandalum.”

In elections at the beginning the clergy and the people both had to do, although not both after one sort. The people gave their testimony, and shewed their affection, either of desire or dislike, concerning the party which was to be chosen. But the choice was wholly in the sacred college of presbyters. Hereunto it is that those usual speeches [120v] of the ancient do commonly allude: as when Pontius concerning S. Cyprian’s election saith, he was chosen “iudicio Dei et populi favore,” “by the judgment of God and favour of the people,”<sup>4</sup> the one branch alluding to the voices of the ecclesiastical senate which with religious sincerity choose him, the other to the people’s affection, who earnestly desired to have him chosen their bishop. Again, Leo:<sup>5</sup> “Nulla ratio sinit, ut inter episcopos habeantur qui nec a clericis sunt electi nec a plebibus expetiti.” “No reason doth grant that they should be reckoned amongst bishops, whom neither clergy hath elected nor laity coveted.” In like sort Honorius:<sup>6</sup> “Let him only be established bishop in the see of Rome whom Divine judgment and universal consent hath [121] chosen.”

<sup>3</sup> Pseud. Ambros. in 4 ad Ephes. [v. 11, 12.] K.

<sup>4</sup> In Vit. Cypr. [§ 5.] K.

<sup>5</sup> *Nulla ratio*. dist. 62. [§ 1. Dec. Grat. pars i. p. 311.] K.

<sup>6</sup> Ep. Honor. Imp. ad Bonif. Concil. tom. i.

That difference, which is between the form of electing bishops at this day with us, and that which was usual in former ages, riseth from the ground of that right which the kings of this land do claim in furnishing the place where bishops, elected and consecrated, are to reside as bishops. For considering the huge charges which the ancient famous princes of this land have been at, as well in erecting episcopal sees, as also in endowing them with ample possessions; sure of their religious magnificence and bounty we cannot think but to have been most deservedly honoured with those royal prerogatives, [of] taking the benefit which groweth out of them in their vacancy, and of advancing [121v] alone unto such dignities what persons they judge most fit for the same. A thing over and besides even therefore the more reasonable; for that, as the king most justly hath preeminence to make lords temporal which are not such by right of birth, so the like preeminence of bestowing where pleaseth him the honour of spiritual nobility also, cannot seem hard, bishops being peers of the realm, and by law itself so reckoned.

Now, whether we grant so much unto kings in this respect, or in the former consideration whereupon the laws have annexed it unto the crown,<sup>7</sup> it must of necessity being granted, both make void whatsoever interest the people aforetime hath had towards the choice of their own bishop, and also re[122]strain the very act of canonical election usually made by the dean and chapter; as with us in such sort it doth, that they neither can proceed unto any election till leave be granted,<sup>8</sup> nor elect any person<sup>9</sup> but that is named unto them. If they might do the one, it would be in them to defeat the king of his profits; if the other, then were the king's preeminences of granting those dignities nothing.

<sup>7</sup> 25 Ed. III. [c. 6.] K.

<sup>8</sup> 25 Ed. III. [§ iii.] K.

<sup>9</sup> 25 Hen. VIII. c. 20. [§ iv.] K.

And therefore, were it not for certain canons requiring canonical election to be before consecration,<sup>10</sup> I see no cause but that the king's letters patents alone might suffice well enough to that purpose, as by law they do in case those electors should happen not to satisfy the king's pleasure. Their election [122v] is now but a matter of form: it is the king's mere grant which placeth, and the bishop's consecration which maketh, bishops.

Neither do the kings of this land use herein any other than such prerogatives as foreign nations have been accustomed unto.

About the year of our Lord 425,<sup>11</sup> Pope Boniface solicited most earnestly the emperor Honorius to take some order that the bishops of Rome might be created without ambitious seeking of the place. A needless petition, if so be the emperor had no right at all in the placing of bishops there. But from the days of Justinian the emperor, about the year 553, Onuphrius<sup>12</sup> himself doth grant that no man was bishop in the see [123] of Rome whom first the emperor by his letters patents did not license to be consecrated. Till in Benedict's time it pleased the emperor to forego that right; which afterwards was restored to Charles with augmentation, and continued in his successors till such time as Hildebrand took it from Henry IV, and ever since the cardinals have held it as at this day.

Had not the right of giving them belonged to the emperors of Rome within the compass of their dominions, what needed Pope Leo the Fourth to trouble Lotharius and Lodowick with those his letters,<sup>13</sup> whereby, having done them to understand that the church called Reatina was without a

<sup>10</sup> C. *Nullus*, dist. 63. [Decret. Gratian. pars i. dist. 62. § 3.] K.

<sup>11</sup> Tom. i. Concil.

<sup>12</sup> Onuph. in Pelag. ii.

<sup>13</sup> C. *Reatin*. dist. 63. [Decr. Grat. pars i. d. 63. § 16.] K.



bishop, he maketh suit that one Colonus might have the room, or, if that were otherwise disposed of, [123v] his next request was, "*Tusculanam ecclesiam, quæ viduata existit, illi vestra serenitas dignetur concedere, ut consecratus a nostro præsulatu Deo Omnipotenti vestroque imperio grates peragere valeat.*" "May it please your clemencies to grant unto him the church of Tusculum now likewise void; that by our episcopal authority he being after consecrated may be to Almighty God and your highness therefore thankful."

Touching other bishopricks, extant there is a very short but a plain discourse,<sup>14</sup> written almost 500 years since, by occasion of that miserable contention raised between the emperor Henry IVth and Pope Hildebrand, named otherwise Gregory the VIIth, not, as Platina would bear men in hand, for that the [124] bishop of Rome would not brook the emperor's simoniacal dealings, but because the right, which Christian kings and emperors had to invest bishops, hindered so much his ambitious designments, that nothing could detain him from attempting to wrest it violently out of their hands.

This treatise I mention, for that it shortly comprehendeth not only the fore-alleged right of the emperor of Rome acknowledged by six several popes, even with bitter execration against whomsoever of their successors that should by word or deed at any time go about to infringe the same, but also further these other specialties appertaining thereunto: first, that the bishops likewise of Spain, England, Scotland, Hungary, had by ancient institution [124v] always been invested by their kings, without opposition or disturbance. Secondly, that such was their royal interest, partly for that they were founders of bishopricks, partly because they under-

<sup>14</sup> Walthramus Naumburgensis, de Investit. Episcoporum per Imperat. facienda.

took the defence of them against all ravenous oppressions and wrongs, partly in as much that it was not safe that rooms of so great power and consequence in their estate should without their appointment be held by any under them. And therefore that bishops even then did homage and took their oaths of fealty unto the kings which invested them. Thirdly, that what solemnity or ceremony kings do use in this action it skilleth not, as namely whether they do it by word, or by precept set down in writing, or by delivery of a staff and a [125] ring, or by any other means whatsoever, only that use and custom would, to avoid all offence, be kept. Some base canonists there are, which contend that neither kings nor emperors had ever any right hereunto, saving only by the pope's either grant or toleration. Whereupon not to spend any further labour, we leave their folly to be controlled by men of more ingenuity and judgment even among themselves, Duarenus, Papon, Choppinus, Ægidius, Magister, Arnulphus Rusæus, Costlius, Philippus Probus, and the rest, by whom the right of Christian kings and princes herein is maintained to be such as the bishop of Rome cannot lawfully either withdraw or abridge or hinder.

But of this thing there is with us no question, although with them there be. [125v] The laws and customs of the realm approving such regalities, in case no reason thereof did appear, yet are they hereby abundantly warranted unto us, except some law of God or nature to the contrary could be shewed. How much more, when they have been every where thought so reasonable that Christian kings throughout the world use and exercise, if not altogether, yet surely with very little odds the same. So far that Gregory the Tenth<sup>15</sup> forbidding such regalities to be newly begun where they were not in former times, if any do claim those rights from the first

<sup>15</sup> Cap. general. de Elect. i. 6.

foundation of churches, or by ancient custom, of them he only requireth that neither they nor their agents damnify the Church [126] of God by using the said prerogatives.

Now as there is no doubt but the church of England by this means is much eased of some inconveniences, so likewise a special care there is requisite to be had, that other evils no less dangerous may not grow. By the history of former times it doth appear, that when the freedom of elections was most large, men's dealings and proceedings therein were not the least faulty.

Of the people S. Jerome complaineth<sup>16</sup> that their judgments many times went much awry, and that in allowing of their bishops every man favoured his own quality; every one's desire was, not so much to be under the regiment of good and virtuous men, as of them which were like himself. What man is there [126v] whom it doth not exceedingly grieve to read the tumults, tragedies, and schisms, which were raised by occasion of the clergy at such time as, diverse of them standing for some one place, there was not any kind of practice, though never so unhonest or vile, left unassayed whereby men might supplant their competitors and the one side foil the other. Sidonius, speaking of a bishoprick void in his time,<sup>17</sup> "The decease of the former bishop," saith he, "was an alarum to such as would labour for the room: whereupon the people, forthwith betaking themselves unto parts, storm on each side: few there are that make suit for the advancement of any other man; many who not only offer, but enforce themselves. All things light, variable, counterfeit: what should I say? I [127] see not any thing plain and open but impudence only."

In the church of Constantinople about the election of S. Chrysostom,<sup>18</sup> by reason that some strove mightily for him

<sup>16</sup> [Hieron.] adv. Jovin. i. [19.] K.

<sup>17</sup> Lib. vii. Ep. 5.

<sup>18</sup> Theod. lib. v. c. 27. Sozom. lib. viii. c. 2.



and some for Nectarius, the troubles growing had not been small, but that Arcadius the emperor interposed himself: even as at Rome the emperor Valentinian, whose forces were hardly<sup>19</sup> able to establish Damasus bishop, and to compose the strife between him and his competitor Ursicinus, about whose election the blood of a hundred and thirty-seven was already shed. Where things did not break out into so manifest and open flames, yet between them which obtained the place and such as before withstood their promotion, that secret heart burning often grew,<sup>20</sup> which could not afterwards [127v] be easily slaked. Insomuch that Pontius doth note<sup>21</sup> it as a rare point of virtue in Cyprian, that whereas some were against his election, he notwithstanding dealt ever after in most friendly manner with them, all men wondering that so good a memory was so easily able to forget.

These and other the like hurts accustomed to grow from ancient elections we do not feel. Howbeit, lest the Church in more hidden sort should sustain even as grievous detriment by that order which is now of force, we are most humbly to crave at the hands of our sovereign kings and governors, the highest patrons which this church of Christ hath on earth, that it would please them to be advertised thus much.

[128] Albeit these things which have been sometimes done by any sort may afterwards appertain unto others, and so the kind of agents vary as occasions daily growing shall require; yet sundry unremovable and unchangeable burthens of duty there are annexed unto every kind of public action, which burthens in this case princes must know themselves to stand now charged with in God's sight no less than the

<sup>19</sup> [Amm.] Marcell. lib. xv. [p. 24. c. 3.] K. Socr. lib. ii. c. 27. et lib. iv. c. 29.

<sup>20</sup> Theod. lib. ii. c. 15, 16, 17. Sozom. lib. iv. c. 11. et lib. vi. c. 23.

<sup>21</sup> [Pontius] in Vit. Cypr. [c. 5.] K.



people and the clergy, when the power of electing their prelates did rest fully and wholly in them. A fault it had been if they should in choice have preferred any<sup>22</sup> whom desert of most holy life and the gift of divine wisdom did not commend; a fault, if they had permitted long<sup>23</sup> the rooms of the [128v] principal pastors of God to continue void; not to preserve the church patrimony as good to each successor as any predecessor did enjoy the same, had been in them a most odious and grievous fault. Simply good and evil do not lose their nature: that which was, is the one or the other, whatsoever the subject of either be. The faults mentioned are in kings by so much greater, for that in what churches they exercise those regalities whereof we do now entreat, the same churches they have received into their special care and custody, with no less effectual obligation of conscience than the tutor standeth bound in for the person and state of that pupil whom he hath solemnly taken upon [129] him to protect and keep. All power is given unto edification, none to the overthrow and destruction of the Church.

Concerning therefore the first<sup>24</sup> branch of spiritual dominion thus much may suffice; seeing that they with whom we contend do not directly oppose themselves against regalities, but only so far forth as generally they hold that no church-dignity should be granted without consent of the common people, and that there ought not to be in the Church of Christ any episcopal rooms for princes to use their regalities in. Of both which questions we have sufficiently spoken before.<sup>25</sup>

<sup>22</sup> C. *Sacrorum Canon.* dist. 63. [Grat. *Deer.* i, from Capitul. Carol. et Ludovic. l. i.] K.

<sup>23</sup> C. *Lectis.* dist. 63.

<sup>24</sup> ["First" corrected in margin to "fourth."] 1930.

<sup>25</sup> [D 129v is blank.] 1930.

*One man.*—[130]<sup>26</sup> Then could not any of them be under another's authority so far as thereby to be either licensed or hindered in those things which he doth by the said power, but God alone should himself on earth authorize and disauthorize all that bare rule in the Church. Wherefore, to set down briefly that which we hold for truth. Power ecclesiastical itself is originally God's ordinance: he hath appointed it to be; and therefore in that respect on him only they all which have it are most rightly said to depend. The derivation of that power into the several persons which have it is the proper deed of the Church, and of those high ministers which are in that case appointed to ordain and consecrate such as from time to time shall exercise and use the same.

Furthermore, sith when they have that power, it resteth nevertheless unexercised, [130v] except some part of the people of God be permitted them to work upon; they must of necessity for the peaceable and quiet practice of their authority upon the persons of men, where all are subject to a Christian king, depend in that respect on him also. By holding therefore this dependency whereof we speak, it is not meant that either the king did first institute, or that he doth confer and give, the grace of ecclesiastical presidency; but only add unto it exercise by the furtherance of his supereminent authority and power, without the predominant concurrency whereof spiritual jurisdiction could take no effect, men's persons could not in open and orderly sort be subject thereunto. A bishop, whose calling is authorized wholly from God, and received by imposition of sacred hands, can execute safely no act of episcopal authority on any one of the king's liege people, otherwise than under him who hath sovereignty over them all.

*The election of bishops.*—[131] At the first, the first created

<sup>26</sup> [See App. C, p. 308.] 1930.

in the college of presbyters was still the bishop. He dying, the next senior did succeed him. "Sed quia cœperunt sequentes presbyteri indigni inveniri ad primatus tenendos, immutata est ratio, prospiciente concilio; ut non ordo sed meritum crearet episcopum multorum sacerdotum iudicio constitutum, ne indignus temere usurparet et esset multis scandalum."<sup>27</sup>

*Bishops, the Apostles' successors.*—"Apud nos Apostolorum locum episcopi tenent."<sup>28</sup>

*Speech against the clergy of God irreligious.*—"Absit ut de his quicquam sinistrum loquor, qui Apostolico gradui succedentes Christi Corpus sacro ore conficiunt."<sup>29</sup>

*Privileges granted unto the clergy.*—[131v] A law in general, to make good all such privileges as by way of honor had been granted to the clergy before, the Roman emperor thought himself bound in conscience to ratify.<sup>30</sup> Again, whereas church lands did before stand charged with ordinary burdens even of the meanest kind, this the law imperial taketh away as a thing contumelious unto religion, and giveth for the time to come a privilege of immunity from such burdens. "Prima illius usurpationis contumelia depellenda est, ne prædia usibus cœlestium secretorum dedicata, sordidorum munerum fæce vexentur."<sup>31</sup>

"Imprimis concessimus Deo, et hac præsentī charta nostra confirmavimus pro nobis et hæredibus nostris in perpetuum, quod Ecclesia Anglicana libera sit, et habeat omnia jura sua integra, [132]<sup>32</sup> et libertates suas illæsas."<sup>33</sup>

<sup>27</sup> Ambr. in 4. ad Eph.

<sup>28</sup> Hier. Ep. 54. ad Marcell.

<sup>29</sup> Hiero. Ep. 1. ad Heliod.

<sup>30</sup> Lib. xii. c. de Sacr. Eccl.

<sup>31</sup> Lib. v. c. de Sacr. Eccl.

<sup>32</sup> [D 132v is blank.] 1930.

<sup>33</sup> Mag. Char. c. 1.

## CHAPTER VIII

### THEIR POWER TO COMMAND ALL PERSONS AND TO BE OVER ALL CAUSES ECCLESIAS- TICAL WHATSOEVER

[133] Touching the king's supereminent authority in commanding, and in the judging of causes ecclesiastical; first, to explain therein our meaning, it hath been taken as if we did hold, that kings may prescribe what themselves think good to be done in the service of God; how the word shall be taught, how sacraments administered: that kings may personally sit in the consistory where bishops do, hearing and determining what causes soever do appertain unto the<sup>v</sup> courts: that kings and queens in their own proper persons are by judicial sentence to decide the questions which rise about matter<sup>v</sup> of faith and Christian religion: that [133v] kings may excommunicate: finally, that kings may do whatsoever is incident unto the office and duty of an ecclesiastical judge. Which opinion because we count as absurd as they who have fathered the same upon us, we do them to wit that thus<sup>v</sup> our meaning is, and no otherwise: There is not within this realm any ecclesiastical officer, that may by the authority of his own place command universally throughout the king's dominions; but they of his people whom one may command, are to another's commandment unsubject: only the king's royal power is of so large compass, that no man commanded by him according to order of law, can plead himself to be without the bounds and limits of that authority; I say, according to [134] order of law, because with us the highest have thereunto so tied them-



selves, that otherwise than so they take not upon them to command any.

And, that kings should be in such sort supreme commanders over all men, we hold it requisite, as well for the ordering of spiritual as of<sup>v</sup> civil affairs; inasmuch as without universal authority in this kind, they should not be able when need serves<sup>v</sup> to do as virtuous kings have done. Joas,<sup>1</sup> purposing to renew the "house of the Lord, assembled the Priests and Levites, and when they were together, gave them their charge, saying, Go out<sup>v</sup> [unto the cities of Judah, and gather of all Israel money to repair the house of your God from year to year, and haste the things: but the Levites hasted not. Therefore the king called Jehoiada, the chief, and said unto him, Why hast thou not required of the Levites to bring in out of Judah and Jerusalem, the tax of Moses, the servant of the Lord, and of the congregation of Israel, for the tabernacle of the testimony? For wicked Athaliah and her children brake up the house of God, and all the things that were dedicated for the house of the Lord did they bestow upon Baalim. Therefore the king commanded, and they made a chest, and set it at the gate of the house of the Lord without; and they made a proclamation through Judah and Jerusalem, to bring unto the Lord the tax of Moses the servant of God, laid upon Israel in the wilderness.]"<sup>2</sup> Could either he have done this, or after him<sup>3</sup> Ezechias the like concerning the celebration of the passover, but that all sorts of men in all things [134v] did owe unto those their sovereign rulers the same obedience which sometime Joshua had them by solemn vow and promise bound unto?<sup>4</sup> "Whosoever shall rebel against thy commandments,<sup>v</sup> [and will not obey thy

<sup>1</sup> 2 Chron. xxiv. 5-9.

<sup>2</sup> [From BCELMQ.] 1930.

<sup>3</sup> 2 Chron. xxx. 6.

<sup>4</sup> Josh. i. 18.

words in all that thou commandest him, let him be put to death; only be strong and of a good courage.]<sup>3</sup>”

Furthermore, judgment ecclesiastical we say is necessary for decision of controversies rising between man and man, and for correction of faults committed in the affairs of God; unto the due execution whereof there are three things necessary, laws, judges, and a supreme governor of judgments.

What courts there shall be, and what causes shall belong to each court, and what judges shall determine of every cause, and what order in all judgments shall be kept; of these things the laws have sufficiently disposed: so that his duty which<sup>v</sup> sitteth in every<sup>v</sup> [135] such court is to judge, not of, but after, the said laws:<sup>5</sup> “*Imprimis illud observare debet iudex, ne aliter iudicet quam legibus, aut constitutionibus, aut moribus proditum est.*” Which laws (for we mean the positive laws of our own realm concerning ecclesiastical affairs) if they otherwise dispose of any such thing than according to the law of reason and of God, we must both acknowledge them to be amiss, and endeavour to have them reformed: but touching that point what may be objected shall after appear.

Our judges in causes ecclesiastical are either ordinary or commissioner: ordinary, those whom we term Ordinaries; and such by the laws of the<sup>v</sup> land are none but prelates [135v] only, whose power to do that which they do is in themselves, and belongeth unto the nature of their ecclesiastical calling. In spiritual causes, a lay person may be no ordinary; a commissioner judge there is no let but that he may be: and that our laws do evermore refer the ordinary judgment of spiritual causes unto spiritual persons, such as are termed Ordinaries, no man which knoweth any thing in<sup>v</sup> the practice of this realm can easily be ignorant.

<sup>5</sup> Just. Instit. lib. iv. tit. 1. de Offic. Judic.

Now, besides them which are authorized to judge in several territories, [there]<sup>v</sup> is required an universal power which reacheth over all, importing supreme authority of government over all courts, all judges, all causes; the operation of [136] which power is as well to strengthen, maintain and uphold particular jurisdictions, which haply might else be of small effect; as also to remedy that which they are not able to help, and to redress that wherein they at any time do otherwise than they ought to do. This power being sometime in the bishop of Rome, who by sinister practices had drawn it into his hands, was for just considerations by public consent annexed unto the king's royal seat and crown. From thence the authors of reformation would translate it into their national assemblies and synods; which synods are the only help that they think lawful to use against such evils in the Church as particular jurisdictions [136v] are not sufficient to redress. In which case our laws have provided<sup>6</sup> that the king's supereminent authority and power shall serve. As namely, when the whole ecclesiastical state, or the principal persons therein, do need visitation and reformation; when, in any part of the Church, errors, heresies, schisms, abuses, offences, contempts, enormities, are grown, which men in their several jurisdictions either do not or cannot help: whatsoever any spiritual authority or<sup>v</sup> power (such as legates from the see of Rome did sometimes exercise) hath done or might heretofore have done for the remedy of those evils in lawful sort (that is to say, without violation of the law of God or nature in the deed done), as much in every degree our laws have [137] fully granted that the king for ever may do, not only by setting ecclesiastical synods on work, that the thing may be their act and the king their motioner unto it, (for so much perhaps the masters of reformation will grant;) but by commissioners few or many,

<sup>6</sup> 1 Eliz. cap. 1.



who having the king's letters patents, may in the virtue thereof execute the premises as agents in the right, not of their own peculiar and ordinary but of his supereminent power.

When men are wronged by inferior judges, or have any just cause to take exception against them, their way for redress is to make their appeal. An appeal is a present delivery of him which maketh it out of the hands of their power and jurisdiction from whence it is made. [137v] Pope Alexander having sometime the king of England at the advantage, caused him, amongst other things, to agree, that as many of his subjects as would, might appeal to the court of Rome. "And thus," saith one,<sup>7</sup> "that whereunto a mean person at this day would scorn to submit himself, so great a king was content to be subject. Notwithstanding even when the pope," saith he, "had so great authority amongst princes which were far off, the Romans he could not frame to obedience, nor was able to obtain that himself might abide at Rome, though promising not to meddle with other than ecclesiastical affairs." So much are things that terrify more feared by such as behold them aloof off than at hand.

Reformers [138] I doubt not in some cases will admit appeals,<sup>v</sup> made unto their synods; even as the church of Rome doth allow of them so they be made to the bishop of Rome. As for that kind of appeal which the English laws<sup>8</sup> do approve, from the judge of any<sup>v</sup> particular court unto the king, as the only supreme governor on earth, who by<sup>e</sup> his delegates may give a final definitive sentence, from which no further appeal can be made; will their platform allow of this? Surely, forasmuch as in that estate which they all dream of, the whole Church must be divided into parishes, of which none can have greater or less authority and power

<sup>7</sup> [Machiavel.] [BCELMQ] Hist. Florent. lib. i.

<sup>8</sup> 25 Hen. VIII. c. 19.



than another; again, the king himself must be but as a common [138v] member in the body of his own parish, and the causes of that only parish must be by the officers thereof determinable; in case the king had so much preferment, as to be made one of those officers (for otherwise by their positions he were not to meddle any more than the meanest amongst the<sup>v</sup> subjects with the judgment of any ecclesiastical cause), how is it possible they should allow of appeals to be made from any other abroad to the king?

To receive appeals from all other judges, belongeth unto the highest in power over all; and to be in power over all, as touching the judgment of ecclesiastical causes, this as they think belongeth only unto synods. Whereas therefore with us, kings do exercise over all kinds [139] of<sup>v</sup> persons and causes,<sup>v</sup> power both of voluntary and litigious jurisdiction; so that according to the one they visit, reform, and command; according to the other, they judge universally, doing both in far other sort than such as have ordinary spiritual power: oppugned herein we are by some colourable shew of argument, as if to grant thus much unto any secular person it were unreasonable. "For sith it is," say they,<sup>9</sup> "apparent out of the Chronicles, that judgment in church matters pertaineth unto God; seeing likewise it is evident out of the Apostle, that the high priest is set over those matters in God's behalf; it must needs follow that the principality or direction of the judgment [139v] of them is by God's ordinance appertaining unto the [high]<sup>v</sup> priest, and consequently to the ministry of the Church: and if it be by God's ordinance appertaining unto them, how can it be translated from them unto the civil magistrate?" Which argument, briefly drawn into form, lieth thus: That which belongeth unto God, may not be translated unto any other than<sup>v</sup> whom he hath

<sup>9</sup> T. C. lib. iii. p. 154. 2 Chron. xix. 8. Heb. v. 1.

appointed to have it in his behalf: but principality of judgment in church matters appertaineth unto God, which hath appointed the high priest, and consequently the ministry<sup>e</sup> of the Church alone, to have it in this<sup>e</sup> behalf; therefore,<sup>v</sup> it may not from them be translated to the civil magistrate. [140] The first of which three propositions we grant; as also in the second that branch which ascribeth unto God principality in the<sup>v</sup> church matters. But that either he did appoint none but only the high priest to exercise the said principality for him; or that the ministry of the Church may in reason from thence be concluded to have alone<sup>e</sup> the same principality by his appointment: these two points we deny utterly.

For concerning the high priest, there is first no such ordinance of God to be found. "Every high priest," saith the Apostle,<sup>10</sup> "is taken from among men, and is ordained for men in things pertaining to God:" whereupon it may well be gathered, that the [140v] priest was indeed ordained of God to have power in things pertaining unto God. For the Apostle doth there mention the power of offering gifts and sacrifices for sins; which kind of power was not only given of God unto priests, but restrained unto priests only. The power of jurisdiction and ruling authority, this also God gave them, but not them alone.<sup>e</sup> For it is held, as all men know, that others of the laity were herein joined by the law with<sup>e</sup> them. But concerning principality in church affairs (for of this our question is, and of no other) the priests neither had it alone, nor at all; but (as hath been already shewed) <sup>x</sup> principality in spiritual affairs was the [141] royal prerogative of kings.

Again, though it were so, that God had appointed the high priest to have the said principality of government in those

<sup>10</sup> Heb. v. 1.

matters; yet how can they who allege this, enforce thereby, that consequently the ministry of the Church, and no other, ought to have the same, when they are so far off from allowing as much to the ministry of the Gospel, as the priesthood of the Law had by God's appointment, that we but collecting thereout a difference in authority and jurisdiction amongst the Clergy, to be for the policy of the Church not inconvenient, they forthwith think to close up our mouths by answering, "That the Jewish high priests had authority above the rest, only [141v] in that they prefigured the sovereignty of Jesus Christ; as for the ministers of the Gospel, it is," they say, "altogether unlawful to give them as much as the least title, any syllable that any way<sup>v</sup> may sound towards principality." And of the regency which may be granted,<sup>e</sup> they hold others even of the laity no less capable than pastors themselves. How shall these things cleave together?

The truth is, that they have some reason to think it not all of the fittest for kings to sit as ordinary judges in matters of faith and religion. An ordinary judge must be of that<sup>v</sup> quality which in a supreme judge is not necessary: because the person of the one is<sup>e</sup> charged with that which the other's authority dischar[142]geth, without employing personally himself herein.<sup>v</sup> It is an error to think that the king's authority can have no force or power in the doing of that which himself may not personally do. For first, impossible it is, that at one and the same time the king in person should order so many and so different affairs, as by his power every where present are wont to be ordered both in peace and at war, at home and abroad. Again, the king, in regard of his nonage or minority, may be unable to perform that thing wherein years of discretion are requisite for personal action; and yet his authority even then be of force. For which cause we say, that the king's authority dieth not, but is, and



worketh, always [142v] alike. Sundry considerations there may be, effectual to withhold the king's person from<sup>c</sup> being a doer of that which his power must notwithstanding give force unto. Even in civil affairs, where nothing doth either<sup>v</sup> more concern the duty, or better beseem the majesty of kings, than personally to administer justice unto their people, as most famous princes have done: yet, if it be in case of felony or treason, the learned of the laws of this realm do plainly affirm,<sup>11</sup> that well may the king commit his authority unto another to judge between him and the offender; but the king being himself here a party, he cannot personally sit to give judgment.

As therefore the person of the king may, for just [143] considerations, even where the cause is civil, be notwithstanding withdrawn from occupying the seat of judgment, and others under his authority be fit, he unfit himself to judge; so the considerations for which it were haply not convenient for kings to sit and give sentence in spiritual courts, where causes ecclesiastical are usually debated, can be no bar to that force and efficacy which their sovereign power hath over those very consistories, and for which, we hold without any exception that all courts are the king's. All men are not for all things sufficient; and therefore public affairs being divided, such persons must be authorized judges in each kind, as common reason may presume to be most fit: which can[143v]not of kings and princes ordinarily be presumed in causes merely ecclesiastical; so that even common sense doth rather adjudge this burden unto other men. We see it hereby a thing necessary, to put a difference, as well between that ordinary jurisdiction which belongeth to the clergy alone, and that commissiary wherein others are for just considerations appointed to join with them; as

<sup>11</sup> Staunf. Pleas of the Crown, lib. ii. c. 3. [fol. 54. ed. 1574.] K.



also between both these jurisdictions, and a third, whereby the king hath a<sup>v</sup> transcendent authority, and that in all causes, over both. Why this may not lawfully be granted unto him, there is no reason.

A time there was when kings were not capable of any such power, as namely, while<sup>v</sup> they professed themselves open adversaries unto Christ and Christianity. A time there [144] followed, when they, being capable, took sometimes more sometimes less to themselves, as seemed best in their own eyes, because no certainty touching their right was as yet determined. The bishops, who alone were before accustomed to have the ordering of such affairs, saw very just cause of grief, when the highest, favouring heresy, withstood by the strength of sovereign authority religious proceedings. Whereupon they oftentimes, against this new<sup>v</sup> unresistible power, pleaded that<sup>v</sup> use and custom which had been to the contrary; namely, that the affairs of the Church should be dealt in by the clergy, and by no other: unto which purpose, the sentences that then were uttered in defence of unabolished orders and laws, [144v] against such as did of their own heads contrary thereunto, are now altogether impertinently brought in opposition against them who use but the<sup>v</sup> power which laws have given them, unless men can shew that there is in those laws some manifest iniquity or injustice.

Whereas therefore against the force judicial and imperial, which supreme authority hath, it is alleged, how Constantine<sup>12</sup> termeth church officers, "Overseers of things within the Church,"<sup>13</sup> himself, "of those without the Church:" how Augustine<sup>14</sup> witnesseth, that the emperor not daring to judge of the bishops' cause, committed it unto<sup>v</sup> the bishops;

<sup>12</sup> T. C. lib. iii. p. 155.

<sup>13</sup> Euseb. de Vita Constant. lib. iv. [c. 24.] K.

<sup>14</sup> [Aug.] Ep. 166. 162.

and was to crave pardon of the bishops, for that by the Donatists' importunity, which made no end of appealing unto him, he was, being weary of them, drawn to give sen[145]tence in a matter of theirs: how Hilary<sup>15</sup> beseecheth the emperor Constance to provide that the governors of his provinces should not presume to take up them the judgment of ecclesiastical causes, to whom commonwealth matters only belonged: how Ambrose<sup>16</sup> affirmeth, that palaces belong unto the emperor, churches to the minister; that the emperor hath authority over the common walls of the city, and not in holy things;<sup>17</sup> for which cause<sup>18</sup> he never would yield to have "the causes of the Church<sup>19</sup> debated in the prince's consistory," but "excused himself to the emperor Valentinian, for that being convented to answer concerning church matters in a civil court, he came not." Besides<sup>20</sup> these testimonies of antiquity which Mr. Cartwright bringeth forth, D. Stapleton, [145v] who likewise<sup>21</sup> citeth them one by one to the same purpose, hath augmented the number of them by adding other of the like nature: namely, how Hosius the bishop of Corduba<sup>22</sup> answered the emperor, saying, "God hath committed to thee empire; with those things that belong to the Church he hath put us in trust." How Leontius bishop of Tripolis<sup>23</sup> also told the selfsame emperor as much: "I wonder how thou, which are called unto one thing, takest upon thee to deal in another. For being placed in military and politic affairs, in things that

<sup>15</sup> [Hilar.] ad Constant. lib. [i. § 1.] K.

<sup>16</sup> [Ambros.] lib. v. Ep. 33.

<sup>17</sup> [See Bishop Cooper's Adm. p. 212.] K.

<sup>18</sup> [T. C. lib. i. p. 193. al. p. 154. ap. Whitg. Def. p. 700.] K.

<sup>19</sup> [See Epistle 21, throughout.] K.

<sup>20</sup> [See App. C, p. 308.] 1930.

<sup>21</sup> Doct. Prin. lib. v. cont. 2. c. 18.

<sup>22</sup> Apud Athan. in Ep. ad Solit. Vit. agentes.

<sup>23</sup> Suid. in verb. Leontius.

belong unto bishops alone thou wilt bear rule." We may by<sup>e</sup> these testimonies drawn from antiquity, if we list to consider them, discern how requisite it is that authority should always follow received laws in the manner of proceeding. [146] For inasmuch as there was at the first no<sup>e</sup> certain law, determining what force the principal civil magistrate's authority should be of, how far it should reach, and what order it should observe; but Christian emperors from time to time did what themselves thought most reasonable in those affairs; by this mean<sup>v</sup> it cometh to pass that they in their practice vary, and are not uniform.

Virtuous emperors, such as Constantine the Great was, made conscience to swerve unnecessarily from the customs which had been used in the Church, even when it lived<sup>e</sup> under infidels. Constantine, of reverence to bishops and their spiritual authority, rather abstained from that which himself might lawfully do, [146v] than was willing to claim a power not fit or decent for him to exercise. The order which had been before, he ratified, exhorting<sup>v</sup> bishops to look to the Church, and promising that he would do the office of a bishop over the commonwealth: which very Constantine notwithstanding, did not thereby so renounce all authority in judging of spiritual causes, but that sometime he took, as S. Augustine witnesseth,<sup>24</sup> even personal cognition of them; howbeit whether as purposing to give therein<sup>e</sup> judicially any sentence, I stand in doubt. For if the other, of whom S. Augustine elsewhere speaketh, did in such sort judge, surely there was cause why he should excuse it as a thing not usually<sup>e</sup> done. Otherwise there is no let, but that any such great person may hear those causes to [147] and fro debated, and deliver in the end his own opinion of them, declaring on which side himself doth judge that the

<sup>24</sup> Ep. 68.



truth is. But this kind of sentence bindeth no side to stand thereunto; it is a sentence of private persuasion, and not of solemn jurisdiction, albeit a king or an emperor pronounce it.

Again, on the contrary part, when governors infected with heresy were possessed of the highest power, they thought they might use it as pleased themselves, to further by all means therewith<sup>v</sup> that opinion which they desired should prevail; they not respecting at all what was meet, presumed to command and judge all men in all causes, without either care of orderly proceeding, or regard to such laws and customs as the Church had been wont to observe. So that the [147v] one sort feared to do even that which they might; and that which the other ought not they boldly presumed upon; the one sort modestly<sup>v</sup> excused themselves where they scarce needed; the other, though doing that which was inexcusable, bare it out with main power, not enduring to be told by any man how far they roved<sup>e</sup> beyond their bounds. So great odds between them whom before we mentioned, and such as the younger Valentinian, by whom S. Ambrose being commanded to yield up one of the churches under him unto the Arians, whereas they which were sent on the<sup>v</sup> message alleged, that the emperor did but use his own right, forasmuch as all things were in his power: the answer which the holy bishop gave them was,<sup>25</sup> "That the Church is the house of [148] God, and that those things which be<sup>v</sup> God's are not to be yielded up, and disposed of at the emperor's will and pleasure; his palaces he might grant unto whomsoever, but God's own habitations not so." A cause why many times emperors did more by their absolute authority than could very well stand with reason, was the over great importunity of<sup>v</sup> heretics, who being enemies to peace and quietness, cannot otherwise than by violent means be supported.

<sup>25</sup> [Ep. 20. ¶ 16. (19.)] K.



In this respect therefore we must needs think the state of our own church much better settled than theirs was; because our laws have with far more certainty prescribed bounds unto each kind of power. All decisions of things doubtful, and corrections of things amiss, are proceeded in by order of law, what person [148v] soever he be unto whom the administration of judgment belongeth. It is neither permitted unto prelate nor prince to judge or<sup>v</sup> determine at their own discretion, but law hath prescribed what both shall do. What power the king hath he hath it by law, the bounds and limits of it are known; the entire community giveth general order by law how all things publicly are to be done, and the king as the head thereof, the highest in authority over all, causeth according to the same law every particular to be framed and ordered thereby. The whole body politic maketh laws, which laws give power unto the king, and the king having bound himself to use according unto law that power, it so falleth out, that the execution of the one is accomplished by the other [149] in most religious and peaceable sort. There is no cause given unto any to make supplication, as Hilary did, that civil governors, to whom commonwealth-matters only belong, might<sup>v</sup> not presume to take upon them the judgment of ecclesiastical causes. If the cause be spiritual, secular courts do not meddle with it: we need not excuse ourselves with Ambrose, but boldly and lawfully we may refuse to answer before any civil judge in a matter which is not civil, so that we do not mistake the nature<sup>v</sup> either of the cause or of the court, as we easily may do both, without some better direction than can be had by the rules of this new-found discipline. But of this most certain we are, that our laws do neither suffer [149v] a spiritual court<sup>26</sup> to entertain those causes which by law are

<sup>26</sup> See the statute of Edw. I. and Edw. II. [13 Edw. I. st. 4. *Circumspecte agatis*; 24 Edw. I. *De Consultatione*; 9 Edw. II. st. 1.] [K] and

civil, nor yet<sup>e</sup> if the matter be indeed spiritual, a mere civil court to give judgment of it.

Touching supreme power therefore to command all men,<sup>v</sup> in all manner of causes of judgment to be highest, let thus much suffice as well for declaration of our own meaning, as for defence of the truth therein.<sup>27</sup>

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Nat. Brev. touching Prohibition, [p. 30. Lond. Tottell, 1584.] [K] See also in Bracton these sentences, lib. v. [Tract. v.] cap. 2. "Est jurisdictio quædam ordinaria, quædam delegata, quæ pertinet ad sacerdotium, et forum ecclesiasticum, sicut in causis spiritualibus et spiritualitati annexis. Est etiam alia jurisdictio ordinaria vel delegata, quæ pertinet ad coronam, et dignitatem regis, et ad regnum in causis et placitis rerum temporalium in foro seculari." Again: "Cum diversæ sint hinc inde jurisdictiones, et diversi iudices, et diversæ causæ, debet quilibet ipsorum imprimis æstimare, an sua sit jurisdictio, ne falcem videatur ponere in messem alienam." Again: "Non pertinet ad regem injungere pœnitentias, nec ad iudicem secularem; nec etiam ad eos pertinet cognoscere de iis, quæ sunt spiritualibus annexa, sicut de decimis et aliis ecclesiæ proventionibus." Again: "Non est laicus conveniendus coram iudice ecclesiastico de aliquo, quod in foro seculari terminari possit et debeat." [Fol. 400, 401. ed. 1569.] K.

<sup>27</sup> [D 150-150v are blank.] 1930.

## CHAPTER IX

### THE KING'S EXEMPTION FROM CENSURE AND OTHER JUDICIAL POWER<sup>1</sup>

[151]<sup>2</sup> The last thing of all which concerns the king's supremacy is, whether thereby he may be exempted from being subject to that judicial power which ecclesiastical consistories have over men. It seemeth, first, in most men's judgments to be requisite that on earth there should not be any alive altogether without standing in awe of some by whom they may be controlled and bridled.

The good estate of a commonwealth within itself is thought on nothing to depend more than upon these two special affections, fear and love: fear in the highest governor himself; and love, in the subjects that live under him. The subject's love for the most part continueth as long as the righteousness of kings doth last; in whom virtue decayeth not as [151v] long as they fear to do that which may alienate the loving hearts of their subjects from them. Fear to do evil groweth from the harm which evildoers are to suffer. If therefore private men, which know the danger they are subject unto, being malefactors, do notwithstanding so boldly adventure upon heinous crimes, only because they know it is possible for some transgressor sometimes to escape the danger of law: in the mighty upon earth, (which are not always so virtuous and holy that their own good minds will bridle them,) what may we look for, considering the frailty of man's nature, if the world do once hold it for a maxim

<sup>1</sup> [Title from *Clavi Trabales.*] 1930.

<sup>2</sup> [See App. C, p. 307.] 1930.

that kings ought to live in no subjection: that, how grievous disorders soever [152] they fall into, none may have coercive power over them? Yet so it is that this we must necessarily admit, as a number of right well learned men are persuaded.

Let us therefore set down first, what there is which may induce men so to think; and then consider their several inventions or ways, who judge it a thing necessary, even for kings themselves, to be punishable, and that by men. The question itself we will not determine. The reasons of each opinion being opened, it shall be best for the wise to judge which of them is likeliest to be true. Our purpose being not to oppugn any save only that which reformers hold; and of the rest, rather to inquire than to give sentence. Inducements leading men to think [152v] the highest magistrate should not be judged of any, saving God alone, are specially these.

1. First, as there could be in natural bodies no motion of any thing, unless there were some which moveth all things and continueth unmoveable; even so in politic societies there must be some unpunishable, or else no man shall suffer punishment. For sith punishments proceed always from superiors, to whom the administration of justice belongeth, which administration must have necessarily a fountain that deriveth it to all others, and receiveth it not from any; because otherwise the course of justice should go infinitely in a circle, every superior having his superior without end, which cannot be: therefore a wellspring it followeth there [153] is, and a supreme head of justice, whereunto all are subject, but itself in subjection to none. Which kind of preeminence if some ought to have in a kingdom, who but the king should have it? Kings therefore no man can have lawfully power and authority to judge. If private men offend, there is the magistrate over them, which judgeth. If magistrates, they have their prince. If princes, there is



Heaven, a tribunal, before which they shall appear: on earth they are not accountable to any.

2. Which thing likewise the very original of kingdoms doth shew.<sup>3</sup>

*Unto the prince.*<sup>4</sup>—[154]<sup>5</sup> The name of Head of the Church of England, to give to the prince, they count it injurious unto Christ.<sup>6</sup>

What authority they leave to princes.<sup>7</sup>

The cause of this doubt is a conceit that the Church and Commonweal in respect of regiment must needs be always two distinct bodies, so that the head of the one cannot be the head of the other also. Their reason frivolous, that because Christ is properly termed the Head of the Church, therefore the prince may not be called the Head of this Church under Christ. What the name of Headship doth import being attributed unto Christ; that his headship over all churches doth not exclude the authority of governors [154v] placed as heads over each particular church for the visible regiment thereof. That a Christian prince within his dominions hath supreme power, authority, and headship, over all governors, and that in causes of whatsoever kind, no less if they belong to the Church of Christ than if they merely concern the temporal and civil State.

Their minds, I doubt not, are far from treason. Howbeit, in the days of Henry VIII to have held that which now is maintained concerning the prince's power, had then been adjudged a capital offence. Out of the principles which the

<sup>3</sup> [D 153v is blank.] 1930.

<sup>4</sup> [Vid. supr. pag. 47.] [This note, which has been assigned to Archbishop Ussher, refers to the page number of MS D.] 1930.

<sup>5</sup> [See App. C, pp. 308–309.] 1930.

<sup>6</sup> See Mr. Cartw. second book [T. C. lib. ii.], p. 411.

<sup>7</sup> See [Fenner,] Counterpoison, [London, 1584,] p. 173.

learneder sort of them deliver, the simpler may draw, as some have done, that by just execution of law hath cost them their lives. A hard [155] case, and to them small comfort which have taught these silly persons such doctrine as being unsaid they have notwithstanding suffered death.

The church governors' jurisdiction to be held immediately from God without dependency on the prince.

They whose "callings are not only inclusively, but also expressly in the Word;" they that have not their authority "by human institution, but by divine ordinance;" they that "hold their jurisdiction" as from God, not "as from men" (which pastors, doctors, elders and deacons do): "their places ought to be in this commonwealth whether her Majesty and our State will or no."<sup>8</sup>

[155v] The urging of that principle, what belongeth unto all, all should give voice in, and therefore no church officer without the people.

Their taking away the prince's prerogative in pardoning certain offenders.

Their claiming coercive authority over the prince.

[156]<sup>9</sup> "His second point, whereby he would make us odious, is, that we think the prince may be subject to excommunication; that is, that he is a brother,<sup>10</sup> that he is not without but within the Church.<sup>11</sup> If this be dangerous, why is it printed and allowed in the famous writings of Bishop Jewel:<sup>12</sup> 'In that the high priest<sup>13</sup> doth his office

<sup>8</sup> Mart. [in Marprelate, ] 3 libel. [Hay Any Worke for Cooper, 1589,] p. 28.

<sup>9</sup> [See Introduction, above, p. 126.] 1930.

<sup>10</sup> Deut. xvii. 15. Matt. xviii. 15.

<sup>11</sup> 1 Cor. v. 12, 13.

<sup>12</sup> Def. Apol. part 6. p. 720. [c. 12. div. 1.] K.

<sup>13</sup> [Jewel, and the Counterpoison, both read *priest*, not *high priest*.] K.

when he excommunicates and cuts off a dead member from the body, so far forth the prince, be he never so mighty, is inferior to him. Yea not only to a bishop, but to a simple priest?" Why is it suffered which Mr. Nowell hath written,<sup>14</sup> "The prince ought patiently to abide excommunication at the bishop's hands?" Why are not the worthy examples of emperors rased<sup>15</sup> out of the histories, seeing they have been subject to his censure?"<sup>16</sup>

[156v] The Jews were forbidden to choose an alien king over them; inasmuch as there is not any thing more natural than that the head and the body subject thereunto should always, if it were possible, be linked in that bond of nearness also which birth and breeding as it were in the bowels of one common mother usually causeth. Which being true did not greatly need to be alleged for proof that kings are in the Church of God of the same spiritual fraternity with their subjects: a thing not denied nor doubted of.

Indeed the king is a brother; but such a brother as unto whom all the rest of the brethren are subject. He is a sheaf of the Lord's field as the rest are; howbeit, a sheaf which is so far raised up above the rest<sup>17</sup> that they all owe reverence unto it. The king is a brother which hath dominion over all his brethren. A strange conclusion to gather hereby, that therefore some of his brethren ought to have the authority of correcting him. We read that God did say unto David, "If Solomon thy son forget my laws, I will punish his transgressions with a rod." [157] But that he gave commission unto any of Solomon's brethren to chastise Solomon, we do not read.

<sup>14</sup> Tom. ii. par. 53. [The Reproof of M. Dorman. Lond. 1566. f. 51.] K.

<sup>15</sup> Euseb. lib. vi. c. 14. Theod. lib. v. c. 18.

<sup>16</sup> [Fenner,] Counter[potion], p. 174. [Comp. T. C. lib. iii. p. 93, and Eccl. Disc. pp. 142, 143.] K.

<sup>17</sup> Gen. xxxvii. 7.

It is a thing very much alleged, that the church of the Jews had the sword of excommunication. Is any man able to allege where the same was ever drawn forth against the king? Yet how many of their kings how notoriously spotted?

Our Saviour's words are, "If thy brother offend thee." And S. Paul's, "Do ye not judge them that are within?" Both which speeches are but indefinite. So that neither the one nor the other is any let but some brother there may be whose person is exempt from being subject to any such kind of proceeding: some within, yet not therefore under, the jurisdiction of any other. Sentences, [157v] indefinitely uttered, must sometimes universally be understood: but not where the subject or matter spoken of doth in particulars admit that difference which may in reason seclude any part from society with the residue of that whole, whereunto one common thing is attributed. As in this case it clearly fareth where the difference between kings and others of the Church is a reason sufficient to separate the one from the other in that which is spoken of brethren, albeit the name of brethren itself do agree to both. Neither doth our Saviour nor the Apostle speak in more general sort<sup>18</sup> of ecclesiastical punishments than Moses in his law doth of civil: "If there be found men or the man amongst you that hath [158] served other gods."<sup>19</sup> Again, "The man that committeth adultery." The punishment of both which transgressions being death, what man soever did offend therein, why was not Manasses for the one, for the other why not David accordingly executed? "Rex judicat, non judicatur," saith one. The king is appointed a judge of all men that live under him; but not any of them his judge.

<sup>18</sup> [T. C. lib. iii. p. 92.] K.

<sup>19</sup> Deut. xvii. 2.



[158v] The king<sup>20</sup> is not subject unto laws; that is to say, the punishment which breach of laws doth bring upon inferiors taketh not hold on the king's person; although the general laws which all mankind is bound unto do tie no less the king than others, but rather more. For the grievousness of sin is aggravated by the greatness of him that committeth it: for which cause it also maketh him by so much the more obnoxious unto Divine revenge, by how much the less he feareth human.

Touching Bishop Jewel's opinion hereof,<sup>21</sup> there is not in the place alleged any one word or syllable against the king's prerogative royal to be free from the coercive power of all spiritual, both persons and [159] courts, within the compass of his own dominions. "In that," saith he, "the priest doeth his office, in that he openeth God's word, or declareth his threats, or rebuketh sin, or excommunicateth and cutteth off a dead member from the body; so far forth the prince, be he never so mighty, is inferior unto him. But in this respect the prince is inferior not only to the pope or bishop, but also to any other simple priest." He disputeth earnestly against that supremacy which the bishop of Rome did challenge over his sovereign lord the emperor: and by many allegations he laboureth to shew that popes have been always subject unto his supreme dominion, not he to theirs; he supreme judge over them, not they over him. [159v] Now whereas it was objected, that within the Church, when the priest doth execute his office, the very prince is inferior to him; so much being granted by Mr. Jewel, he addeth that this doth no more prove the pope than the simplest priest in the Church to be lord and head over kings. For

<sup>20</sup> Ὁ βασιλεὺς νόμοις οὐκ ὑπόκειται, ἥγουν ἀμαρτήσας οὐ καλᾷζεται. Καὶ κατὰ βασιλέως οἱ γενικοὶ ἥγουν οἱ καθολικοὶ κρατεῖτῳσαν νόμοι. Harmenop. [Promptuarium Juris] lib. i. c. 1. § 48 et 39. [ed. Gothofred. 1587.] K.

<sup>21</sup> Def. par. 6. c. 12. div. 1.

although it doth hereby appear that in those things which belong to his priestly office the pope may do that which kings are not licensed to meddle with; in which respect it cannot be denied but that the emperor himself hath not only less power than the chiefest bishop, but even less than the meanest priest within his empire, and is consequently every priest's inferior that way: nevertheless, sith this [160] apertaineth nothing at all to judicial authority and power, how doth this prove kings and emperors to be by way of subjection inferior to the pope as to their ecclesiastical judge? Impertinently therefore is the answer, which to such effect that admirable prelate maketh, brought by way of evidence to shew that in his opinion the king may not be exempted from the coercive authority and power of his own Clergy, but ought for his faults to be as punishable in their courts as any other subject under him.

The excommunication, which good Mr. Nowell thinketh that princes ought patiently to suffer at the bishop's hands, is no other than that which we also grant [160v] may be exercised on such occasions and in such manner as those two alleged examples out of antiquity do enforce.

"It is reported," saith Eusebius,<sup>22</sup> "that one of the Philips which succeeded Gordian, came, being a Christian, to join with the rest of the people in prayer, the last festival day of Easter. At which time he which governed the Church there whither the emperor did resort, would in no case admit him, unless he first made confession, and were contented afterwards to stay his time in the place appointed for penitents," (according to the manner of Church discipline in those days, whereof we have spoken in the fifth [sixth?] book sufficiently;) "because he was [161] known to be many ways faulty. To this he readily condescended, making manifest by his deeds his true and religious affection to Godwards."

<sup>22</sup> Eus. lib. vi. c. 33. [34.] K.

Another example there is, of the emperor Theodosius, who understanding that violence in the city of Thessalonica had been offered unto certain magistrates, sent in great rage a band of men; and, without any examination had to know where the fault was, slew mel-pell both guilty and innocent, to the number of 7000.<sup>23</sup> It chanced afterwards, that the emperor coming to Milan, and intending to go to the Church as his accustomed manner was, S. Ambrose the bishop of that city, who before had heard of the emperor's so cruel and bloody an act, met [161v] him before the gate of the church, and in this wise forbade him to enter: "Emperor, it seemeth that how great the slaughter is which thyself hast made thou weighest not; nor, as I think, when wrath was settled did reason ever call to account what thou hadst committed. Peradventure thine imperial royalty hindreth the acknowledgment of thy sin; and thy power is a let to reason. Notwithstanding know thou shouldst what our nature is, how frail a thing and how fading; and that the first original from whence we have all sprung was the very dust whereunto we must slide again. Neither is it meet that being inveigled with the show of thy glistering robes thou shouldst forget the imbecility of that flesh which is covered therewith. [162] Thy subjects (O Emperor) are in nature thy colleagues: yea even in service thou art also joined as a fellow with them. For there is one Lord and Emperor, the Maker of this whole assembly of all things. With what eyes therefore wilt thou look upon the habitation of that common Lord? With what feet wilt thou tread upon that sacred floor? How wilt thou stretch forth those hands from which the blood as yet of unrighteous slaughter doth distil? The body of our Lord all holy how wilt thou take into such hands? How wilt thou put his honourable blood unto that

<sup>23</sup> Sozom. [Theod.] lib. v. c. 18. [K].



mouth, the wrathful word whereof hath caused against all order of law the pouring out of so much blood? Depart therefore, and go not about by after [162v] deeds to add to thy former iniquity. Receive that bond wherewith from heaven the Lord of all doth give consent that thou shouldst be tied; a bond which is medicinable, and procureth health." Hereunto the king submitted himself; (for being brought up in religion he knew very well what belonged unto priests, what unto kings;) and with sobbing tears returned to the court again. Some eight months after, came the feast of our Saviour's Nativity; but yet the king sat still at home, mourning and emptying the lake of tears: which when Rufinus beheld, being at that time commander over the king's house, and by reason of usual access the bolder to speak; he came and asked the cause [163] of those tears. To whom the king, with bitter grief and tears more abundantly gushing out, answered; "Thou, O Ruffin, dalliest, for mine evils thou feelest not: I mourn and bewail mine own wretchedness, considering that servants and beggars go freely to the house of God, and there present themselves before their Lord: whereas both from thence and from heaven also I am excluded. For in my mind I carry that voice of our Lord which saith with express terms, 'Whomsoever ye shall bind on earth, he in heaven shall be bound also.'" The rest of the history, which concerneth the manner of the emperor's admission after so earnest repentance, needeth not to be here set down.

It now remaineth to be examined whether these alleged examples prove that which they should do, yea or no. The thing which they ought to confirm is, that no less Christian kings than other persons under them ought to be subject to the selfsame coercive authority of Church-governors, and for the same kinds of transgressions, to receive at their hands the same spiritual censure of excommunica-



tion judicially inflicted by way of punishment. But in the aforesaid examples, whether we consider the offence itself of the excommunicate, or the persons excommunicating, or the manner of their proceeding; which three comprehend the whole substance of that which was done; it doth not by any of these appear that kings in suchwise should be subject. [164] For, concerning the offences of men, there is no breach of Christian charity, whether it be by deed or by word; no excess, no lightness of speech or behaviour; no fault for which a man in the course of his life is openly noted as blameable; but the same being unamended through admonition ought, (as they say,) with the spiritual censure of excommunication to be punished. Wherefore unless they can shew, that in some such ordinary transgression, kings and princes, upon contempt of the Church's more mild censure, have been like other men in ancient times excommunicated, what should hinder any man to think but that the rare and unwonted crimes of those two emperors did cause their bishops to try what un[164v]usual remedy would work in so desperate diseases? Which opinion is also made more probable, inasmuch as the very histories, which have recorded them, propose them for strange and admirable patterns; the bishops, of boldness; the emperors, of meekness and humility. The [they?] wonder at the one, for adventuring to do it unto emperors; at the other, for taking it in so good part at the hands of bishops. What greater argument that all which was herein done proceeded from extraordinary zeal on both sides, and not from a settled judicial authority which the one was known to have over the other by a common received order in the Church. For at such things who would wonder?

Furthermore, if ye consider [165] their persons, whose acts these excommunications were; he which is said to have excommunicated Philip emperor of Rome was Babylas the bishop of Antioch: and he which Theodosius emperor of

Constantinople, Ambrose the bishop of Milan. Neither of which two bishops (as I suppose) was ordinary unto either of the two emperors. And therefore they both were incompetent judges, and such as had no authority to punish whom they excommunicated: except we will grant the emperor to have been so much the more subject than his subjects, that whereas the meanest of them was under but some one diocesan, any that would might be judge over him. But the manner of proceeding doth as yet more plainly evict that these examples make less than nothing for proof that ecclesiastical go[165v]vernors had at that time judicial authority to excommunicate emperors and kings. For what form of judgment was there observed, when neither judges nor parties judged did once dream of any such matter; till the one by chance repaired unto the place where the others were, and at that very instant suffered a sudden repulse; not only besides their own expectation, but also without any purpose beforehand in them who gave it? Judicial punishment hath at the leastwise sentence going always before execution, whereas all which we read of here is, that the guilty being met in the way were presently turned back, and not admitted to be partakers of those holy things whereof they were famously known unworthy.

I therefore conclude, that these [166] excommunications have neither the nature of judicial punishments, nor the force of sufficient arguments to prove that ecclesiastical judges should have authority to call their own sovereign to appear before them into their consistories, there to examine, to judge, and by excommunication to punish them, if so be they be found culpable.

But concerning excommunication, such as is only a dutiful, religious, and holy refusal to admit notorious transgressors in so extreme degree unto the blessed communion of saints, especially the mysteries of the Body and Blood of Christ, till

their humbled penitent minds be made manifest: this we grant every king bound to abide at the hands of any minister of God wheresoever through the world. As for judicial authority to punish malefactors, if the king be as the kings of Israel were, [166v] and as every of ours is, a supreme Lord, than whom none under God is by way of ruling authority and power higher, where he reigneth, how should any man there have the high place of a judge over him? He must be more than thine equal that hath a chastising power over thee: so far is it off that any under thee should be thy judge. Wherefore, sith the kings of England are within their own dominions the most high, and can have no peer, how is it possible that any, either civil or ecclesiastical person under them should have over them coercive power, when such power would make that person so far forth his superior's superior, ruler, and judge? It cannot therefore stand with the nature of such sovereign regiment that any subject should have power to exercise [167] on kings so highly authorized the greatest censure of excommunication, according to the platform of Reformed Discipline: but if this ought to take place, the other is necessarily to give place. For which cause, till better reason be brought, to prove that kings cannot lawfully be exempted from subjection unto ecclesiastical courts, we must and do affirm their said exemption lawful.

## APPENDICES



# APPENDIX A

## LIST OF VARIANT READINGS<sup>1</sup>

Text	MS D	
154	1v	It be haply] haply it be
154	2v	High priests] priests
155	3	Which are] who are
155	3	To Christian princes] unto Christian princes in
155	3	They that are] they which are
155	3v	That proper difference] the proper difference
156	5	The one] one
157	6v	Did bare] bare
157	6v	To have, live she amongst] to have amongst
158	7	Heathen] heathens
159	8	The reasons] their reasons
159	8v	That was, that was] was that
159	8v	As there was] as that was
160	9	In the defence] in defence
160	9	And the comonwealth] and commonwealth
160	9	Therefore are in this case] are in this case therefore
160	9v	One from the other] one on the other
161	10	Be both] be both Church and commonwealth
161	10v	There is between them] is between them
161	11	Be sometime] be sometimes
162	11v	Those accidents] the accidents themselves
162	12	The Church therefore] therefore the Church
162	12	Do flourish] doth flourish
163	12	Flourish] do flourish
163	12v	Not amiss] not evil
163	13	Look you] look ye
164	13v	Is thereby] is therefore
166	15v	An excommunicate man, can] an excommunicate can
166	15v	The said party] the same party
166	16	Not under him] not when he is suffered to rule
166	16v	Over the Church, as it is a church] over the Church

<sup>1</sup> The first reading in each case is that of MS D.

166	16v	To order and dispose] to order thereby and dispose
167	17	Supreme Head and Governor] supreme Governor
167	17	Then] secondly, then
167	17	After what sort] 3 after what sort
167	17	In what measure] 4 in what measure
167	17	With what conveniency] 5 with what conveniency
167	17	According into] 6 according unto
167	17	The prerogative] 2 the prerogative
167	17v	The right] 3 the right
167	17v	The advancement] 4 the advancement
167	17v	Judicial authority] 5 judicial authority
167	17v	And exemption] and 6 exemption
168	17v	Inevitable destruction] destruction
168	18	Yea, the] the
168	18v	Power supreme] power supreme, so far as the bounds thereof extend
169	19	That axiom] that old axiom
170	20	Against the one as the other] against the one as against the other
171	21v	Their states] their estates
171	21v	Themselves for God's] themselves to be God's
171	21v	Their power his] their power which they have to be his
171	21v	Bestowed even at] bestowed at
172	22	Being made] being now made
172	22v	Give them right, which . . . to exact] give them, which . . . right to exact
172	23	So God doth] and God doth
173	23v	Hath herein no injury] hath no injury done unto him
174	24v	Of others] and others
174	25	Thrones and scepters] thrones
174	25	But either serve] but serve
174	25v	Those things] those new elections and investings
175	25v	Right to the power] right in the power
175	25v	Into his said place] into the said place
175	25v	Is in that] is that
175	26	By lawful birth] by lawful births
176	26v	Doth grow] do grow
176	27v	May lawfully extend] may extend
176	27v	Must shew] is to shew

- 176 28 Grow even by little] grow by little  
 177 28 They find] they judge  
 177 28v That of all others lawfully reigning they had] that  
     of all others they were most tied to law, and so  
     had  
 177 29 That simply always] that simply  
 177 29 Is best] is best, both for them and for the people  
 178 29 But very national] but the national  
 178 29 Handled all by one] handled all by one hand  
 178 29v Four steps] four steps and degrees  
 178 29v Whereof doth spring] of which doth spring  
 178 30 No manner person] no manner of person  
 178 30 The said law] the same law  
 179 30 Of military] of a military dominion  
 179 30v Have such authority] have authority  
 179 30v A prince, a magistrate] a prince, or magistrate  
 179 30v Corporal punishments] corporal punishment  
 179 31 Of religion whole] of religion  
 179 31 The affairs of God, and ecclesiastical causes] the  
     affairs of God's ecclesiastical causes  
 179 31 Without the leave] without the fear  
 180 31v Hereunto never] never hereunto  
 180 32 The ecclesiastical state] the ecclesiastical estate  
 180 32v Any thing which they] any thing they  
 181 33 Those men] these men  
 181 33 Their opinions] their opinion  
 181 33v By establishment] by the establishment  
 182 34 Thereto] thereunto  
 182 34v These very actions] those very actions  
 182 34v Dominion where] dominion is where  
 182 34v As in civil affairs] as civil affairs  
 182 35 Do great things and sundry] do sundry great things  
 183 35 Have abridged therein and restrained] have a privi-  
     lege therein and restrain  
 183 35v Whatsoever spiritual businesses] whatsoever busi-  
     nesses  
 184 36 Laws should dispose of the affairs of God] laws  
     should dispose of the laws of God  
 184 36v From the way] from the ways  
 184 36v Be termed heresy] be determined to be heresy  
 184 37 Judged by the makers] judged by the making

184	37	Wherefore it] wherefore they
184	37	An whole] a whole
185	37v	A part of the whole's] a part to the whole's
185	38v	Were . . . withdrawn] have . . . withdrawn
186	38v	To all] unto all
188	40	One manner] our manner
188	40	With a sword] with the sword
188	40v	Might thereby] must thereby
196	68	Testifieth] protesteth
196	68	Through Germany] throughout Germany
196	68	All authority] all the authority
197	47v	Have supreme government] have dominion or supreme government
197	48v	As much as if] as if
198	49	Whom before he mentioned] whom he mentioned
199	50v	In a meaner degree] in meaner degree
199	50v	In confusion] in the confusion
200	51	Unto the] to the
200	51v	To kings] unto kings
200	51v	Properly is] is properly
202	54	On any] upon any
203	54v	Governor over kingdoms] Governor of kingdoms
203	55	Of, and to Christ] of Christ, and to Christ
203	55	First, unto God] unto God
203	55	He works] he worketh
204	55v	For there is no necessity] Further it is not necessary
205	56v	A high kind of ghostly fellowship] a high and ghostly fellowship
205	57	We find them accounted] we account them
205	57	Aliens . . . men that lay] aliens . . . and that live
205	57	Over them as dutiful subjects] over them as over dutiful and loving subjects
206	57v	The civil magistrate cometh] the civil magistrate's authority cometh
206	57v	As Christ doth] as Christ's doth
206	57v	Upholding of kingdoms] upholding kingdoms
206	58	Of his Church] of the Church
207	59v	Under him any longer] any longer under him
208	60	Unto Christ] to Christ
209	62	When they plead] where they plead
210	62v	To him] unto him



211	64	Misconstruing] misconceiving
211	64	To the head] unto the head
211	64	Whoso is head] whoso is the head
211	64	Part, therefore no part] part of the Church, there- fore no part
211	64v	An head or governor over him] an head or superior over him
212	65	Termed, one way, within] termed within
214	74	When we gave . . . gave] when we give . . . give
214	74	These heads] they heads
214	74v	With him to others] to him with others
214	74v	Been sufficiently] sufficiently been
214	74v	In some things convicted] convicted in some things
215	75	What cause is to] what cause is there to
215	75v	Unto the] to the
216	69v	Henceforth] henceforward
217	70v	Or sacraments] or the sacraments
218	72	The outward society and meetings] the outward societies and meetings
218	72v	Thereby excluded] hereby excluded
219	72v	As Head as our comfort] as Head, is our comfort
219	73	Say, There] say, That there
219	73	Christ is Head] Christ is the Head
220	77v	Orderly course] orderly sort
221	78	Used this] useth this
222	78v	Wished that] willed that
222	78v	The care . . . belonged] the care . . . belongeth
222	79	To find small] to find very small
223	80	Therefore now] now therefore
227	85	Gravity fit] quality fit
228	86	They often apply] they also apply
229	86v	And of scripture ] and scripture
229	87	Must needs take] must take
229	87	For the manner of] for manner of
229	88	Prohibit contradiction] prohibit their contra- diction
230	88	No man is] no man afterwards is
230	88	Unto every man of wisdom apply those words of Solomon] unto every man apply those words of wisdom in Solomon
230	88v	Itself maketh] itself makes

230	88v	Well-ordained states] well ordered states
230	89	Needs must] must needs
232	91	In more divine] in most divine
233	92v	Is as a] is a
233	92v	Imminuere] minuere
234	93	Saith Innocent] saith Pope Innocent
234	93v	Which way] whereby
234	94	Either touching] touching either
237	97v	The stains and spots] the stains and the spots
237	97v	They find themselves] they feel themselves
238	98v	Whatsoever simply] simply whatsoever
238	99	Unto all such powers] unto all such power
238	99v	God's institution] God's instituting
239	100v	Judgments of men] judgments of man
239	101	To him had been rebellion] unto him and even rebellion
240	101	Men's proceeding] men's proceedings
240	101v	Resisted they are] resisted they be
240	101v	Have David govern] have David to govern
242	110	In that kind] of that kind
242	110v	Such foundation of] such foundations of
243	111v	As then, imagine any thing committed against] as they imagine, any thing commit against
243	112v	That bindeth] which bindeth
244	112v	The supremacy] that supremacy
244	113v	The emperor] their emperor
144	113v	By that mean] by that means
245	114	Not withholding] nor withholding
246	115v	Discusser, the] discussor, and the
246	115v	The chiefest part] the chiefest parts
246	116	That commonwealth] the commonwealth
247	116	Establisheth and maketh them] establisheth them and maketh them
247	116v	Did of old deliver unto] did of old unto
247	116v	Was the] was that the
248	103	Their supreme power for] the supreme power of
249	103	To them] unto them
249	103v	To whom shall] to whom then shall
249	104	To the wise] unto the wise
249	104	Take the work] take this work
249	104v	Make . . . strongly] make . . . strong

250	104v	The foresaid case] the case
250	105v	Punish the transgressors] punish rebels and transgressors
250	105v	Maintaining laws] maintaining the laws
251	105v	Both . . . doth] both . . . do
264	133	The courts] those courts
264	133	Matter of faith] matters of faith
264	133v	Thus our meaning is] this our meaning is
265	134	As of civil affairs] as civil affairs
265	134	When need serves] when need is
265	134	Go out] Go out into the cities . . wilderness
265	134v	Commandments] commandments, and will not . . . courage
266	134v	Which sitteth] who sitteth
266	134v	Every such] any such
266	135	Laws of the land] laws of this land
266	135v	Anything in the practice] anything the practice
267	135v	Is required] there is required
267	136v	Authority or power] authority and power
268	138	Appeals made] appeals, but appeals made
268	138	Any particular court] any certain particular court
269	138v	Amongst the subjects] amongst his subjects
269	139	All kinds of persons and causes] all things, persons, and causes
269	139	Causes, power] causes, supreme power
269	139v	The priest] the high priest
269	139v	Any other than whom] any other but whom
270	139v	Therefore] Ergo
270	140	In the church matters] in church matters
271	141v	That any way may] whereof may
271	141v	Of that quality] of the quality
271	142	Himself herein] himself therein
272	142v	Doth either more] doth more either
273	143v	A transcendent authority] transcendent authority
273	143v	While they professed] when they professed
273	144	This new irresistible power] this irresistible power
273	144	That use] the use
273	144v	The power] that power
273	144v	Unto the bishops] to the bishops
275	146	By this mean] by this means
275	146v	Exhorting bishops] exhorting the bishops

276	147	Therewith that opinion] that opinion
276	147v	Modestly excused] of modesty excused
276	147v	The message] this message
276	148	Which be] which are
276	148	Of heretics] of wicked heretics
277	148v	Judge or determine] judge and determine
277	149	Might not] may not
277	149	The nature either] either the nature
278	149v	Men, in] men, and in



## APPENDIX B

### LIST OF CORRECTED READINGS IN MS D<sup>1</sup>

Text	MS D	
154	2	Priests alone been] priests only been
155	3	A church and a commonwealth] a church and commonwealth
155	3	In nature and definition] in nature in definition
155	3v	Swerve from the truth] swerve from the Church
156	4	Was in that respect] which in that respect
156	4v	As in a figure] as a figure
157	6v	So ought she to have] so ought to have
158	7v	God . . . doth make] God . . . do make
159	8	Any in civil authority] any civil authority
159	8v	Have now publicly embraced] have now embraced
160	9	Excluding all the residue of believers, both] excluding the residue, both
160	9v	Appointed in it some] appointed some
160	9v	Without dividing the whole, and making it two several] without making several
160	9v	The difference therefore either of] the difference therefore of
161	10v	May and should always lovingly] may lovingly
162	11v	Some person or persons in whom] some person in whom
163	12v	Judgment and justice had lodged] judgment and justice hath lodged
164	13	By the one or the other] by the one and the other
164	13v	Being there discommoned] being thereby discommoned
165	14v	A man disfranchised] a man enfranchised
165	15	A difference of the affairs of the one from the other, but such a difference as] a difference as
165	15	Severed . . . and retained] severed . . . and retaineth

<sup>1</sup> The second reading in each case was the original reading of MS D.

- 165 15 Cut off from it as] cut off as
- 165 15v Readunited into the one] readmitted into the one
- 165 15v He is adunited] he is admitted
- 165 15v Saints and Citizens one and the same people]  
Saints and Citizens
- 166 15v An excommunicate man, can have] an excommuni-  
cate man, have
- 166 16 Rome doth divide the body into two diverse bodies,  
and doth not suffer the Church to depend upon  
the power of any civil prince] Rome doth not  
suffer the Church to depend any civil prince.
- 166 16 The state of those nations which subject themselves  
to the bishop of Rome] the state of the bishop  
of Rome
- 166 15 Part of them the commonwealth, and part of them  
the Church] part of them the Church
- 166 16v To order and dispose of spiritual affairs] to order  
things and dispose of spiritual affairs
- 168 18 The proper instrument] the instrument
- 168 18v Supreme. When therefore Christian kings are said  
to have spiritual dominion or supreme power]  
supreme power
- 169 19v Belongeth in several] belongeth in special
- 170 21 A thing descending unto them] a thing descended  
unto them
- 171 21 Who . . . receive power have it immediately from  
God, by] who . . . receive power have it by
- 171 21v Discretion, when they are left free by God to make  
choice of their own governor] discretion
- 172 22 Prescribed in the word of God] prescribed in the  
law of God
- 172 22 To be exacted] to be enacted
- 172 22 The power . . . was not] the power . . . which not
- 172 22v Estate, to exact] estate, then to exact
- 175 26 Out of him] out of their line
- 176 28 That most sweet form] that most neete form
- 177 28 Such high and ample terms] such high ample terms
- 178 29v As from a mother cause] as from an other cause
- 178 30 No manner person or cause] no manner or cause
- 181 33 When we come] when he came
- 181 33 Their large and liberal speeches] their long and  
liberal speeches.

- 181 33v By establishment of their discipline] by the establishment of their discipline
- 182 34 Exercise dominion, and use the temporal sword] exercise dominion
- 183 36 The same of necessity must be kept, neither is the king's] the same necessity must be kept, neither is it the king's
- 185 38 Such as in one public state have agreed] such as in one public state they have agreed
- 186 38v To incur the displeasure of the other] to incur this displeasure of the other
- 188 40 With a sword] with the sword
- 188 40v Was restrained] was generally restrained
- 188 40v The general chieftly] the chieftly
- 199 50 It serveth to tie] it seemeth to tie
- 202 53v Cannot affirm Christ sensibly present, or always visibly joined unto his body the Church which is on earth, inasmuch as his corporal residence is in heaven; again, seeing they do not affirm] cannot affirm
- 202 53v Ghostly motions] godly motions
- 202 54 Either on the whole Church] either in the whole Church
- 204 56 Are in sundry degrees] are sundry degrees
- 207 58v Unto him. And yet the] unto him. The
- 207 59 The exercise of his dominion] the exercise of this dominion
- 207 59v All misery in all the wicked] all misery in the wicked
- 208 60v A thing of so great use] a thing of great use
- 209 62 Subordinate head of Christ's people] subordinate head of Christ's
- 211 64 The magistrate can be none] the magistrate be none
- 213 66v Should to itself be] should itself be
- 213 66v In deeming that] in denying that
- 214 74 Christ is head as ] Christ head as
- 214 74v Deserve censuring] deserve cursing
- 217 70v Giveth salvation and life] giveth salvation and light
- 221 77v Such assemblies] such great assemblies
- 221 78 Suffered them only as things] suffered them only to do things
- 223 80 His answer was short] his answer was that
- 227 85 Not like] unlike

229	88	So man's law] so much law
233	92v	Clericorum perturbare, ita] clericorum, ita
234	93v	Approbation from the king before] approbation before
236	97	The magistrate may in regard] the magistrate in regard
236	97	To appoint for any crime other punishment than] to appoint for any crime any punishment than
238	98v	Of so great an enterprise] of some great enterprise
238	99	Belong to their place and power] belong to time, place and power
239	101	Places of highest authority] places of high authority
240	102	That which we do] that we do
249	104	Which moved them for a time] which moveth them for the time
250	105	All matters and orders] all matters of orders
250	105v	To cause them to be executed] to constrain to be executed
268	138	Who by his delegates may give] whereby his delegates may give
270	139v	The ministry of the Church alone, to have it in this behalf] the minister of the Church alone, to have it in his behalf
270	140	To have alone the same] to have none the same
270	140v	But not them alone] but not them only
270	140v	Joined by the law with them] joined by the law by them
271	141v	Which may be granted, they] which may be granted them, they
271	141v	The one is charged] the one is not charged
272	142v	To withhold the king's person from] to withhold the king's person for
275	145v	We may by these] we may from these
275	146	At the first no certain law] at the first certain law
275	146	It lived under infidels] it laid under infidels
275	146v	To give therein judicially any sentence] to give them judicially any sentence
275	146v	A thing not usually done] a thing not wholly done
276	147v	They roved beyond their bounds] they rowed beyond their bounds
278	149v	Nor yet if the matter be indeed] nor indeed if the matter be indeed



## APPENDIX C

### UNIQUE MATERIAL IN MS D<sup>1</sup>

The manuscript of the Eighth Book in Trinity College, Dublin, is the most complete of all the extant manuscripts. It contains material which is found nowhere else except in part in the extracts preserved in the *Clavi Trabales* of 1661. Of these eight sections three are major sections which may be assumed to have been in Hooker's first draft and also in the printer's copy of 1593. They probably dropped out of the latter before any copies were made.

The first of the major sections occupies pages 188-194. It is in *Clavi Trabales*, pages 65-71, as well as in MS D, pages 41-46v. It begins, "The service which we do," and concludes with "both kings and priests." MSS L and Q have indications here of a break and loss of material, as if the copyist of each were aware that his original was incomplete. MSS L and Q, accordingly, are witnesses to the authenticity of the material they omit. The section is a logical part of the context.

The second of these three sections is Chapter VII, pages 253-261. In MS D it occupies pages 119-129, and in *Clavi Trabales*, pages 77-86. Its omission is not so clearly indicated in MSS L and Q. It is, however, an integral part of the Eighth Book, and is called for by Hooker's internal outline of page 167, "the advancement of principal church-governors to their rooms of prelacy." This internal outline is preserved in all the extant manuscripts except MS B which omits the beginning of the book.

The third section is Chapter IX, pages 279-291. In MS D it is on pages 151-167. Only the first part of it occurs in *Clavi Trabales*, pages 92-94. This section also is called for by the internal outline of page 167, "exemption from being punishable with such kind of censures as the platform of reformation doth teach that they ought to be subject unto."

The remaining five sections may never have been in the printer's copy of 1593 or in Hooker's first draft. They may have been added by Hooker to his autograph after the printer's copy had been made

<sup>1</sup> Compare p. 136 of the Introduction.

in 1593, or they may have been found among his papers and incorporated into the copy made by Henry Jackson in 1612.

Of these five minor sections, the first in order comprises pages 224-227, "The natural subject . . . by the laws thereof." In MS D it occupies pages 81-84v. There are blank lines at the bottom of D 84v. It is not in *Clavi Trabales*. Of this section Keble's words are entirely adequate:

This whole ¶, down to the words "laws thereof," is inserted here from the Dublin MS. It might not improperly be marked as a fragment, as it evidently has not been brought into coherence with what comes before and after. It appears to be the introduction to this part of the treatise, as re-written by the author, but not yet finished off so as to smooth the transitions and avoid repetition.<sup>2</sup>

The next section, "Wherein it is . . . unto kings, although . . . over the Church," comprises pages 251-252; *Clavi Trabales*, pages 71-72. This section was not printed in its entirety by Keble, for, as he said, part of it is duplicated in a later section of the Eighth Book.<sup>3</sup> In MS D, pages 105v-108, it seems to have been incorporated into an appropriate context, without, however, perfect correlation.

Keble transferred the section, "One man . . . suas illaesas," pages 262-263, to an appendix.<sup>4</sup> In MS D, pages 130-132, it follows Chapter VII with which it seems properly enough associated, but it probably originally consisted of loose notes.

The small section, "Besides these testimonies . . . bear rule," pages 274-275, is enclosed in brackets in *Clavi Trabales*, page 88. Keble reduced it to the rank of a footnote. In MS D, pages 145-145v, however, there is nothing to indicate that it may have been a later addition; it continues the paragraph in D 145, and is followed on D 145v without a break in the paragraph.

Pages 154-155v of MS D were in part omitted by Keble from his edition of the Eighth Book, and no subsequent editor of Hooker's *Works* seems to have discovered the loss. Keble placed a row of asterisks on page 281. These marks may serve a double purpose: to indicate that there is an actual loss of material at this place, and also to hint that Keble had transferred to another part of the volume the loose notes which had been substituted in MS D for this lost section. Part of these loose notes Keble, following a suggestion of Us-

<sup>2</sup> Edition 1888, Vol. III, p. 396.

<sup>3</sup> Ibid., p. 418, n. 1.

<sup>4</sup> Ibid., pp. 467-468.

sher, D 154, placed among the footnotes on page 197.<sup>5</sup> The remainder he seems to have mislaid; it contains propositions which Hooker apparently had copied out of his adversaries in order to refute. Neither the material of D 154-155 (pages 281-282) nor of D 155-155v (page 282) is a discussion of the subject announced on D 153 (page 281), "the very original of kingdoms." That this discussion as well as other matter has been totally lost is obvious.

<sup>5</sup> Ibid., p. 368.

## APPENDIX D

### THE VARIATIONS IN ORDER<sup>1</sup>

The variations in order in the Eighth Book concern not only the unique material in MS D, but involve the whole book. There are eight major transpositions in which MS D stands alone against the other copies. It may be conjectured that two of the transpositions may have been made on Hooker's own warrant when the printer's copy was made in 1593 from his autograph. Four of them may have been made by the sheets of the printer's copy becoming disarranged before the remnants were bound up. The remaining two may have occurred accidentally in Hooker's autograph after the making of the printer's copy but before Jackson made his copy in 1612.

The sections, "Unto which . . . reasonable," pages 170-182, and "It hath . . . Ecclesiasticall lawes," pages 182-184, (MS D, pages 20-34v, 34v-37) are transposed in MSS C, L, M, and Q. In reference to this transposition Keble said:

On the authority of the Dublin MS. confirmed by internal evidence, the section headed, "By what rule," is omitted here, and inserted ¶ 17. Of this arrangement a relic remains in E. Q. and L. viz. the marginal note, "By what rule," inserted in that place, without any section to which it might refer. Fulm. notes in the margin there, "des." which probably means "desunt (quaedam)."<sup>2</sup>

Keble was mistaken in his mention of MS Q, for the marginal, "By what rule," is not in Q; but otherwise he was quite correct. D's order seems to have been the natural order of composition, for paragraph 17 (as numbered in the edition of 1888) grows out of the limitations outlined in paragraph 16. The section, D 34v-37, may have been an afterthought developed during composition or added as a marginal note for incorporation into the text. The marginal, "By what rule," refers to "thirdly" (line 15, page 182), and demands that paragraph 17 should follow, as in MS D. It would seem, accordingly, that the transposition in MSS C, L, M, and Q was the result of derangement, and the fact of their agreement in this order would argue that they had a common original. Instead of placing D 34v-37 after

<sup>1</sup> Compare p. 136 of the Introduction.

<sup>2</sup> Edition 1888, Vol. III, p. 343.



"reasonable," as it is in D, the copyists of the other manuscripts indicate an omission: L leaves a line space; MSS C and Q have new paragraphs; the edition of 1648 also has a paragraph. The dislocation of this section, "It hath . . . Ecclesiasticall lawes," may have been made possible in the printer's copy of 1593 by its having been begun on a separate sheet, for in MSS C, L, M, and the edition of 1648 it follows the section, "over-rule," without even indicating a new paragraph.

In Chapter V, pages 220-223, there is a double transposition. In MS D, pages 77-80v, the order is:

1. The Consuls . . . the other. Wherefore
2. amongst . . . and others.
3. The auncient . . . meetings Ecclesiasticall.
4. The Clergie . . . not neede.

The other manuscripts have it:

2. Amongst . . . and others.
1. The Consuls . . . the other. Wherefore
4. the Clergie . . . not neede.
3. The auncient . . . meetings Ecclesiasticall.

It will be observed that Nos. 1 and 2 are transposed, and also Nos. 3 and 4; so that the order of the other manuscripts is 2, 1, 4, 3. "Wherefore" may have been the final word of a sheet, to which in D was attached "amongst . . . and others," while in *P*<sup>2</sup> the error<sup>3</sup> was made of annexing to it the paragraph, "the Clergie . . . not neede." The paragraph, "amongst . . . and others," thereupon having lost in *P*<sup>2</sup> its original place after "Wherefore," could be placed nowhere else except at the beginning of the chapter. Logical considerations require that the paragraph, "The Clergie . . . not neede," should conclude the chapter. Paragraphs 1 and 2 seem almost equally adapted for the introductory place. In MS D the chapter is in paragraphs; in MSS C, L, M, and Q it is continuous. The transpositions may be explained as the result of four pieces of paper becoming shuffled and wrongly recombined. Or it might plausibly be argued that the order was changed designedly when the printer's copy of 1593 was made from Hooker's autograph, in order that No. 2, which gives the pattern of the Jews, might precede No. 1, which gives the usage of pagan Rome.

The fourth difference in order may be called a dislocation of the

<sup>3</sup> *P*<sup>2</sup> indicates the printer's copy of 1593 after it had suffered derangement of order and loss of material.

section, D 85-102v, or a transposition of the two major sections, "The case is . . . finde it out," D 85-102v, and "And concerning . . . the truth therein," D 103-149v. Keble has made the dislocation more difficult to visualize by his division of D 85-102v into parts and by the placing of the second of them in an appendix: viz., "The case is . . . assent not asked," and "Yea that which . . . finde it out," pages 227-235 and pages 235-241.<sup>4</sup> In both D and the *P*<sup>2</sup> manuscripts the section, D 85-102v, is undivided; in the *P*<sup>2</sup> manuscripts it follows D 149v, "the truth therein," which is the end of Chapter VIII in the edition of 1888. That the dislocation occurred in the *P*<sup>2</sup> manuscripts and not in D will the more readily be perceived if it be noted that the section, D 85-102v, which follows Chapter VIII in the *P*<sup>2</sup> manuscripts, properly belongs, according to the subject-matter, in Chapter VI. Keble rightly observed:

Possibly this paragraph [the beginning of section, D 85-102v] might be meant as a transition from the former chapter to this; in which case it should stand as paragraph one of this chapter [the sixth].<sup>5</sup>

It is indeed probable that the words, "The case is not like," refer to the concluding paragraph of the preceding chapter [five], i.e., "The clergy . . . a longer disputation about so plaine a cause [case] shall not need." But D 85 had been crowded out of its original place at the beginning of Chapter VI by the insertion of D 81-84v, which has been discussed in Appendix C. D 85-102v may, accordingly, be thought of as having originally followed D 77-80v; it begins with a new page in MSS D, L, and B.

Keble transferred, as has been stated, the latter part of D 85-102v, "Yea that which . . . finde it out," to an appendix. There is no manuscript authority for this. It was both in Hooker's autograph and in the printer's copy of 1593. In regard to it Keble wrote:

Here . . . all the MSS. insert a passage, which will be found below, as a note by way of Appendix to this book.<sup>6</sup> [also] This passage, down to the word "evangelists," is found verbatim in E. P. III. 9. 3. For this reason, and on account of its general irrelevancy to the subject of this Book, the editor has ventured to treat it as a separate fragment, probably of a Sermon on Obedience to Governors, annexed by mistake to the eighth book in all the MSS.<sup>7</sup>

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<sup>4</sup> Op. cit., pp. 398-407, 456-460.

<sup>5</sup> Ibid., p. 398.

<sup>6</sup> Ibid., p. 407.

<sup>7</sup> Ibid., p. 456.

Keble may possibly have been in error in thinking that this section is not relevant to the subject of the Eighth Book. It may have been, on the contrary, its great significance and relevancy for the problems of 1593 which led Hooker to place it in Chapter VI. That Keble's appendix, D 96-102v, stands in a way by itself is not, nevertheless, to be denied. In MS D it follows a blank page, and in MS Q it begins with a new page; Q has a row of X's at the end of the preceding section to indicate a break or a possible loss of material. At the end of this section, D 102v, MSS B and L conclude with indications of omissions at the end, while MS D begins a new page.

Of the remaining four transpositions, D 21v-22, pages 171-172, presents an interesting but by no means important problem. The alteration may be thought to have been made by design when Hooker had the printer's copy made in 1593. The order of D is: "Again on . . . unto men" and "As for supreme . . . given." The *P*<sup>2</sup> manuscripts simply transpose these two sentences or propositions. Whether the change is an improvement or not may be a question for logicians to decide.

The next transposition is on pages 196-213, 195-196. The order of MS D is: These things . . . tame them," pages 47-66v, and "For the title . . . to have," pages 67-68v. The *P*<sup>2</sup> manuscripts transpose these sections without improvement or injury; neither order is good. The difficulty was probably caused by Hooker's insertion into the manuscript of the section, "For the title . . . to have," which he had failed to correlate with the context. Of this section Keble said: "Probably it was a note made to be inserted, in substance, somewhere in the treatise, but the place of insertion not determined."<sup>8</sup> When the printer's copy was made in 1593 there may have been an effort to improve the arrangement, but it was not entirely successful; the order of the *P*<sup>2</sup> manuscripts, however, is followed in the text above.

Keble followed the order of the *P*<sup>2</sup> manuscripts in the sections, "The last difference . . . spiritual government," pages 213-216, and "Their meaning . . . any part," pages 216-219. MS D, pages 74-76, 69-73, transposes this order. The order of D is obviously inferior, and can only be explained on the grounds of mechanical derangement. Archbishop Ussher, or another, has noted in the margin of MS D that its order is erroneous here.

The order of MS D shows derangement in its original also in D 103-105v, "And concerning . . . withstand," and D 109-118v, "There

<sup>8</sup> Ibid., p. 384, n. 1.

are . . . Christian religion." Keble again followed the order of the *P*<sup>2</sup> manuscripts.<sup>9</sup>

To conclude: MSS B, C, L, M, and Q show derangements of order probably associated to some extent with the mutilation and loss of material from the printer's copy of 1593; MS D shows a certain confusion resulting largely from the insertion in the original draft of undigested notes and paragraphs; what editorial reconstructions may have been attempted in order to rectify this disorder in Hooker's autograph were not always well-advised.

<sup>9</sup> Ibid., pp. 407-415, 415-418. See above, pp. 248-251, 241-248.



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